ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ –೧೫೭ Volume - 157	ಬೆಂಗಳೂರು, ಮಂಗಳವಾರ, ೦೫, ಏಪ್ರಿಲ್, ೨೦೨೨ (ಚೈತ್ರ, ೧೫, ಶಕವರ್ಷ, ೧೯೪೪) BENGALURU, TUESDAY, 05, APRIL, 2022 (CHAITHRA, 15, SHAKAVARSHA, 1944)	ಸಂಚಿಕೆ ೬೫ Issue 65

ಭಾಗ ೪

ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ ಪುನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 40 ಕೇಶಾಪ್ರ 2021 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 01.04.2022.

ದಿನಾಂಕ: 19.08.2021 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE NATIONAL COMMISSION FOR INDIAN SYSTEM OF MEDICINE (AMENDMENT) ACT, 2021 (NO.38 OF 2021)ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

रजिस्ट्री सं॰ डी॰ एल॰—(एन)04/0007/2003—21 REGISTERED NO. DL—(N)04/0007/2003—21

भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-19082021-229153
CG-DL-E-19082021-229153

असाधारण
EXTRAORDINARY
भाग II — खण्ड 1
PART II — Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं॰ 51] नई दिल्ली, बृहस्पतिवार, अगस्त 19, 2021/ श्रावण 28, 1943 (शक)
No. 51] NEW DELHI, THURSDAY, AUGUST 19, 2021/SRAVANA 28, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 19*th August,* 2021/ *Sravana* 28, 1943 *(Saka)*

The following Act of Parliament received the assent of the President on the 18th August, 2021, and is hereby published for general information:—

THE NATIONAL COMMISSION FOR INDIAN SYSTEM OF MEDICINE (AMENDMENT) ACT, 2021

No. 38 OF 2021

[18*th August*, 2021.]

An Act to amend the National Commission for Indian System of Medicine Act, 2020.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the National Commission for Indian System of Medicine (Amendment) Act, 2021.

(*2*) It shall come into force at once.

Amendment of section 58.

14 of 2020.

2. In section 58 of the National Commission for Indian System of Medicine Act, 2020, after sub-section (*4*), the following sub-section shall be inserted, namely:—

"(*5*) Notwithstanding the expiration of the period for reconstitution of the Central Council under section 3A of the Indian Medicine Central Council Act, 1970, as inserted by the Indian Medicine Central Council (Amendment) Act, 2020, all acts done by the Board of Governors constituted under sub-section (*4*) of that section and all the powers and functions of the Central Council exercised and performed by it under the

48 of 1970.
25 of 2020.

repealed Act, as amended by the Indian Medicine Central Council (Amendment) Ordinance, 2021, immediately before the commencement of this Act, shall be deemed to have been done or taken under the provisions of this Act and shall continue in force accordingly unless and until superseded by anything done or by any action taken under this Act.". Ord. 5 of 2021.

———

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.

UPLOADED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI–110002
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI–110054.

MGIPMRND—737GI(S3)—19-08-2021.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-26

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 41 ಕೇಶಾಪ್ರ 2021 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 01.04.2022.

ದಿನಾಂಕ: 19.08.2021 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE NATIONAL COMMISSION FOR HOMOEOPATHY (AMENDMENT) ACT, 2021 (NO. 39 OF 2021) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

रजिस्ट्री सं॰ डी॰ एल॰—(एन)04/0007/2003—21 REGISTERED NO. DL—(N)04/0007/2003—21

भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-19082021-229156
CG-DL-E-19082021-229156

असाधारण
EXTRAORDINARY
भाग II — खण्ड 1
PART II — Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं॰ 47] नई दिल्ली, बृहस्पतिवार, अगस्त 19, 2021/ श्रावण 28, 1943 (शक)
No. 47] NEW DELHI, THURSDAY, AUGUST 19, 2021/SRAVANA 28, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 19*th August,* 2021*/ Sravana* 28, 1943 *(Saka)*

The following Act of Parliament received the assent of the President on the 18th August, 2021, and is hereby published for general information:—

THE NATIONAL COMMISSION FOR HOMOEOPATHY (AMENDMENT) ACT, 2021

No. 39 OF 2021

[18*th August*, 2021.]

An Act to amend the National Commission for Homoeopathy Act, 2020.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the National Commission for Homoeopathy (Amendment) Act, 2021.

(*2*) It shall come into force at once.

Amendment of section 58.

15 of 2020.

2. In section 58 of the National Commission for Homoeopathy Act, 2020, after sub-section (*4*), the following sub-section shall be inserted, namely:—

"(*5*) Notwithstanding the expiration of the period for reconstitution of the Central Council under section 3A of the Homoeopathy Central Council Act, 1973, as inserted by the Homoeopathy Central Council (Amendment) Act, 2018, all acts done by the Board of Governors constituted under sub-section (*4*) of that section and all the powers and functions of the Central Council exercised and performed by it under the

59 of 1973.
23 of 2018.

repealed Act, as amended by the Homoeopathy Central Council (Amendment) Ordinance, 2021, immediately before the commencement of this Act, shall be deemed to have been done or taken under the provisions of this Act and shall continue in force accordingly unless and until superseded by anything done or by any action taken under this Act.". Ord. 6 of 2021.

———

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.

———

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 19*th August,* 2021*/ Sravana* 28, 1943 *(Saka)*

CORRIGENDUM

In the Tribunals Reforms Act, 2021 (33 of 2021), published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 13th August, 2021, Issue No. 45,—

Throughout the Act, *for* "the Tribunal Reforms Act, 2021", *read* "the Tribunals Reforms Act, 2021".

UPLOADED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI–110002
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI–110054.

MGIPMRND—733GI(S3)—19-08-2021.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-27

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 44 ಕೇಶಾಪ್ರ 2021 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 01.04.2022.

ದಿನಾಂಕ: 30.08.2021 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (AMENDMENT) ORDINANCE, 2021 (NO. 8 OF 2021) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

रजिस्ट्री सं॰ डी॰ एल॰—(एन)04/0007/2003—21 REGISTERED NO. DL—(N)04/0007/2003—21

भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-30092021-230086
CG-DL-E-30092021-230086

असाधारण
EXTRAORDINARY

भाग II — खण्ड 1
PART II — Section 1

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं॰ 53] नई दिल्ली, बृहस्पतिवार, सितम्बर 30, 2021/आश्विन 8, 1943 (शक)
No. 53] NEW DELHI, THURSDAY, SEPTEMBER 30, 2021/ASVINA 8, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 30*th September, 2021 / Asvina* 8, 1943 *(Saka)*

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (AMENDMENT) ORDINANCE, 2021

No. 8 of 2021

Promulgated by the President in the Seventy-second Year of the Republic of India.

An Ordinance further to amend the Narcotic Drugs and Psychotropic Substances Act, 1985.

WHEREAS the Narcotic Drugs and Psychotropic Substances Act, 1985 was amended by the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014 which, *inter alia,* introduced a new clause (viiia) in section 2 and renumbered existing clause (viiia) relating to definition of "illicit traffic" as clause (viiib) thereof, but due to oversight the reference of the said clause could not be corrected in section 27A of the said Act, which provides for punishment for financing "illicit traffic" and harbouring offenders;

AND WHEREAS the amendment does not create any new offence but contains a legislative declaration that reference of clause (viiia) always meant the corresponding

renumbered provision in clause (viiib) and the amendment seeks to rectify this anomaly by making changes in section 27 of the said Act in order to carry out the legislative intent of the statute, which has always been to read clause (viiib) in section 27, and already stood therein;

AND WHEREAS the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014 came into force on the 1st day of May, 2014;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers confirmed by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:-

Short title and commencement.

1. (*1*) This Ordinance may be called the Narcotic Drugs and Psychotropic Substances (Amendment) Ordinance, 2021.

(*2*) It shall be deemed to have come into force on the 1st day of May, 2014.

Amendment of section 27A of Act 61 of 1985.

2. In section 27A of the Narcotic Drugs and Psychotropic Substances Act, 1985, for the words, brackets, letters and figure "clause (viiia) of section 2", the words, brackets, letters and figure "clause (viiib) of section 2" shall be substituted.

RAM NATH KOVIND,
President.

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.

UPLOADED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI–110002
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI–110054.

MGIPMRND—837GI(S3)—30-09-2021.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-28

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 45 ಕೇಶಾಪ್ರ 2021 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 01.04.2022.

ದಿನಾಂಕ: 14.11.2021 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE CENTRAL VIGILANCE COMMISSION (AMENDMENT) ORDINANCE, 2021 (NO.9 OF 2021) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

रजिस्ट्री सं॰ डी॰ एल॰—(एन)04/0007/2003—21 REGISTERED NO. DL—(N)04/0007/2003—21

भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-14112021-231129
CG-DL-E-14112021-231129

असाधारण
EXTRAORDINARY

भाग II — खण्ड 1
PART II — Section 1

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं॰ 54] नई दिल्ली, रविवार, नवम्बर 14, 2021/ कार्तिक 23, 1943 (शक)
No. 54] NEW DELHI, SUNDAY, NOVEMBER 14, 2021/KARTIKA 23, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 14*th November*, 2021/*Kartika* 23, 1943 (*Saka*)

THE CENTRAL VIGILANCE COMMISSION (AMENDMENT) ORDINANCE, 2021

(No. 9 of 2021)

Promulgated by the President in the Seventy-second Year of the Republic of India.

An Ordinance further to amend the Central Vigilance Commission Act, 2003.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (*1*) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (*1*) This Ordinance may be called the Central Vigilance Commission (Amendment) Ordinance, 2021. Short title and commencement.

(*2*) It shall come into force at once.

Amendment of section 25.

2. In section 25 of the Central Vigilance Commission Act, 2003, in clause (*d*), the following provisos shall be inserted, namely,— 45 of 2003.

"Provided that the period for which the Director of Enforcement holds the office on his initial appointment may, in public interest, on the recommendation of the Committee under clause(a) and for the reasons to be recorded in writing, be extended up to one year at a time:

Provided further that no such extension shall be granted after the completion of a period of five years in total including the period mentioned in the initial appointment;".

RAM NATH KOVIND,
President.

———

DR. REETA VASISHTA,
Secretary to the Govt. of India.

UPLOADED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI–110002
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI–110054.

MGIPMRND—1031GI—14-11-2021.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-29

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 46 ಕೇಶಾಪ್ರ 2021 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 01.04.2022.

ದಿನಾಂಕ: 01.12.2021 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE FARM LAWS REPEAL ACT, 2021 (NO. 40 OF 2021) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

रजिस्ट्री सं॰ डी॰ एल॰—(एन)04/0007/2003—21 REGISTERED NO. DL—(N)04/0007/2003—21

भारत का राजपत्र
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CG-DL-E-01122021-231519

असाधारण
EXTRAORDINARY
भाग II — खण्ड 1
PART II — Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं॰ 57] नई दिल्ली, बुधवार, दिसम्बर 1, 2021/अग्रहायण 10, 1943 (शक)
No. 57] NEW DELHI, WEDNESDAY, DECEMBER 1, 2021/AGRAHAYANA 10, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 1*st December,* 2021/ *Agrahayana* 10, 1943 *(Saka)*

The following Act of Parliament received the assent of the President on the 30th November, 2021, and is hereby published for general information:—

THE FARM LAWS REPEAL ACT, 2021

No. 40 OF 2021

[30*th November*, 2021.]

An Act to repeal the Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020, the Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020, the Essential Commodities (Amendment) Act, 2020 and to amend the Essential Commodities Act, 1955.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. This Act may be called the Farm Laws Repeal Act, 2021. Short title.

2. The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020, the Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020 and the Essential Commodities (Amendment) Act, 2020 are hereby repealed. Repeal of Acts 20 of 2020, 21 of 2020 and 22 of 2020.

Amendment of Act 10 of 1955.

3. In section 3 of the Essential Commodities Act, 1955, sub-section (*1A*) shall be omitted.

———

DR. REETA VASISHTA,
Secretary to the Govt. of India.

UPLOADED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI–110002
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI–110054.

SUBIR NARAYAN GARAI

MGIPMRND—1229GI(S3)—01-12-2021.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-30

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 47 ಕೇಶಾಪ್ರ 2021 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 01.04.2022.

ದಿನಾಂಕ: 19.08.2021 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE CONSTITUTION (ONE HUNDRED AND FIFTH AMENDMENT) ACT, 2021ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

रजिस्ट्री सं॰ डी॰ एल॰—(एन)04/0007/2003—21 REGISTERED NO. DL—(N)04/0007/2003—21

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असाधारण
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भाग II — खण्ड 1
PART II — Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं॰ 52] नई दिल्ली, बृहस्पतिवार, अगस्त 19, 2021/ श्रावण 28, 1943 (शक)
No. 52] NEW DELHI, THURSDAY, AUGUST 19, 2021/SRAVANA 28, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 19*th August,* 2021/ *Sravana* 28, 1943 *(Saka)*

The following Act of Parliament received the assent of the President on the 18th August, 2021, and is hereby published for general information:—

THE CONSTITUTION (ONE HUNDRED AND FIFTH AMENDMENT) ACT, 2021

[18*th August*, 2021.]

An Act further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (One Hundred and Fifth Amendment) Act, 2021.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of article 338B.

2. In article 338B of the Constitution, in clause (9), the following proviso shall be inserted, namely:—

"Provided that nothing in this clause shall apply for the purposes of clause (3) of article 342A.".

Amendment of article 342A.

3. In article 342A of the Constitution,—

(*a*) in clause (1), for the words "the socially and educationally backward classes which shall for the purposes of this Constitution", the words "the socially and educationally backward classes in the Central List which shall for the purposes of the Central Government" shall be substituted;

(*b*) after clause (2), the following shall be inserted, namely:—

'*Explanation.*— For the purposes of clauses (1) and (2), the expression "Central List" means the list of socially and educationally backward classes prepared and maintained by and for the Central Government.

(3) Notwithstanding anything contained in clauses (1) and (2), every State or Union territory may, by law, prepare and maintain, for its own purposes, a list of socially and educationally backward classes, entries in which may be different from the Central List.'.

Amendment of article 366.

4. In article 366 of the Constitution, for clause (26C), the following clause shall be substituted, namely:—

'(26C) "socially and educationally backward classes" means such backward classes as are so deemed under article 342A for the purposes of the Central Government or the State or Union territory, as the case may be.'.

———

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.

UPLOADED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI–110002
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI–110054.

MGIPMRND—738GI(S3)—19-08-2021.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

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ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-31

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 48 ಕೇಶಾಪ್ರ 2021 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 01.04.2022.

ದಿನಾಂಕ: 14.12.2021 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE DAM SAFETY ACT, 2021 (NO. 41 OF 2021) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

रजिस्ट्री सं॰ डी॰ एल॰—(एन)04/0007/2003—21 REGISTERED NO. DL—(N)04/0007/2003—21

भारत का राजपत्र
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असाधारण
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भाग II — खण्ड 1
PART II — Section 1
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PUBLISHED BY AUTHORITY

सं॰ 58] नई दिल्ली, मंगलवार, दिसम्बर 14, 2021/ अग्रहायण 23, 1943 (शक)
No. 58] NEW DELHI, TUESDAY, DECEMBER 14, 2021/AGRAHAYANA 23, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 14*th December,* 2021/*Agrahayana* 23, 1943 (*Saka*)

The following Act of Parliament received the assent of the President on the 13th December, 2021, and is hereby published for general information:—

THE DAM SAFETY ACT, 2021

No. 41 OF 2021

[13*th December*, 2021.]

An Act to provide for surveillance, inspection, operation and maintenance of the specified dam for prevention of dam failure related disasters and to provide for institutional mechanism to ensure their safe functioning and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (*1*) This Act may be called the Dam Safety Act, 2021. Short title, extent and commencement.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. It is hereby declared that it is expedient in the public interest that the Union should take under its control the regulation of uniform dam safety procedure for specified dam to the extent hereinafter provided. Declaration as to expediency of Union control.

Application.

3. Save as provided under this Act, it applies to the owner of every specified dam,—

(*a*) being a public sector undertaking or institution or a body owned or controlled by the Central Government or a State Government or jointly by one or more Governments, as the case may be; and

(*b*) being an undertaking or company or institution or a body other than those owned or controlled by the State Government or the Central Government, as the case may be.

Definitions.

4. In this Act, unless the context otherwise requires,—

(*a*) "alteration of dam" means alterations or repairs as may directly affect the safety of the dam or reservoir;

(*b*) "annual report" means a report giving the activities of the Authority and the State Dam Safety Organisation and the safety status of the specified dams falling under their jurisdiction during each financial year;

(*c*) "appurtenant structure" means the structure being—

(*i*) spillways, either in the dam or separate therefrom;

(*ii*) low level outlet structure and water conduits such as tunnels, pipelines or penstocks, either through the dam or its abutments or reservoir rim;

(*iii*) hydro-mechanical equipment including gate, valve, hoist, elevators;

(*iv*) energy dissipation and river training structure; and

(*v*) other associated structures acting integrally with the dam or its reservoir or reservoir rim;

(*d*) "Authority" means the National Dam Safety Authority established under section 8;

(*e*) "dam" means any artificial barrier and its appurtenant structure constructed across rivers or tributaries thereof with a view to impound or divert water which also include barrage, weir and similar water impounding structures but does not include—

(*a*) canal, aquaduct, navigation channel and similar water conveyance structures;

(*b*) flood embankment, dike, guide bund and similar flow regulation structures;

(*f*) "dam failure" means any failure of the structure or operation of a dam which leads to uncontrolled flow of impounded water resulting in downstream flooding, affecting the life and property of the people and the environment including flora, fauna and riverine ecology.

Explanation.—For the purposes of this clause, failure in the operation shall mean such faulty operations of the dam which are inconsistent with the operation and maintenance manual;

(*g*) "dam incident" means all such problems occurring to a dam that have not degraded into a dam failure, and includes—

(*i*) any structural damage to the dam and the appurtenant structure;

(*ii*) any unusual reading of any instrument in the dam;

(*iii*) any unusual seepage or leakage through the dam body;

(*iv*) any unusual change in the seepage or leakage regime;

(*v*) any boiling or artesian condition noticed below the dam;

(*vi*) any sudden stoppage or unusual reduction in seepage or leakage from the foundation or body of the dam or any of its galleries;

(*vii*) any malfunction or inappropriate operation of gates;

(*viii*) occurrence of flood, the peak of which exceeds the available flood discharge capacity of the dam or seventy per cent. of the approved design flood;

(*ix*) occurrence of flood, which resulted in encroachment on the available freeboard, or the approved design freeboard;

(*x*) any unusual erosion in the near vicinity up to five hundred metres downstream of the spillway or waste-weir; and

(*xi*) any other occurrence which a prudent dam engineer may relate to dam safety concerns;

(*h*) "dam safety unit" means a dam safety unit of any specified dam referred to in section 30;

(*i*) "distress condition" means the occurrence or potential development of such conditions in the dam or appurtenance structure or its reservoir or reservoir rim, which if left unattended to, may impede the safe operation of dam for its intended benefits or may pose serious risks to the life and property of people and the environment including flora, fauna and riverine ecology;

(*j*) "documentation" means all permanent records including electronic records concerning investigation, design, construction, operation, performance, maintenance, major repair, alteration, enlargement and safety of dams and includes design memorandum, construction drawings, geological reports, reports of specialised studies simulating structural and hydraulic response of the dam, changes made in design and drawings, quality control records, emergency action plan, operation and maintenance manual, instrumentation readings, inspection and testing reports, operational reports, and dam safety review reports and other similar reports;

(*k*) "enlargement of dam" means any change in the scope of an existing dam or reservoir, which raises water storage elevation or increases the volume of water impounded by the dam;

(*l*) "Government" means the Central Government or a State Government, as the case may be;

(*m*) "inspection" means on-site examination of any component of a dam and its appurtenant structure;

(*n*) "investigation" means collection of evidence, detailed examination, analysis or scrutiny of a specific problem pertaining to the dam and its appurtenant or a part thereof and includes laboratory testing, in-situ testing, geological exploration, model testing and mathematical simulation of the problem;

(*o*) "National Committee" means the National Committee on Dam Safety constituted under section 5;

(*p*) "notification" means a notification published in the Official Gazette and the term "notify" shall be construed accordingly;

(*q*) "operation of dam" means elements of the use, control and functioning of the dam which may primarily affect the storage, release of water and the structural safety of the dam;

(*r*) "operation and maintenance manual" means the written instructions that provide operation procedures, maintenance procedures, emergency procedures and any other features necessary for the safe operation of dam;

(*s*) "owner of specified dam" means the Central Government or a State Government or jointly by one or more Governments or public sector undertaking or local authority or company and any or all of such persons or organisations, who own, control, operate, or maintain a specified dam;

(*t*) "prescribed" means prescribed by rules made by the Central Government or, as the case may be, by the State Government;

(*u*) "regulations" means the regulations made by the Authority under this Act;

(*v*) "remedial measures" means such structural or non-structural measures, as may be required in relation to the specified dam or appurtenant structure or reservoir or reservoir rim or catchment area of reservoir for the purpose of removing or mitigating the distress condition of the specified dam;

(*w*) "reservoir" in relation to a dam shall mean any spread of water impounded by a specified dam;

(*x*) "specified dam" means a dam constructed before or after the commencement of this Act, which is,—

(*i*) above fifteen metres in height, measured from the lowest portion of the general foundation area to the top of dam; or

(*ii*) between ten metres to fifteen metres in height and satisfies at least one of the following, namely:—

(*A*) the length of crest is not less than five hundred metres; or

(*B*) the capacity of the reservoir formed by the dam is not less than one million cubic metres; or

(*C*) the maximum flood discharge dealt with by the dam is not less than two thousand cubic metres per second; or

(*D*) the dam has specially difficult foundation problems; or

(*E*) the dam is of unusual design;

(*y*) "State Committee" means the State Committee on Dam Safety constituted under sub-section (*1*) of section 11;

(*z*) "State Dam Safety Organisation" means the State Dam Safety Organisation established under section 14; and

(*za*) "vulnerability and hazard classification" means the system or systems of classifying dams on the basis of their condition, location, damage or hazard potential.

CHAPTER II

NATIONAL COMMITTEE ON DAM SAFETY

Constitution of National Committee.

5. (*1*) With effect from such date as the Central Government may, by notification, appoint, there shall be constituted, for the purposes of this Act, a National Committee to be known as the National Committee on Dam Safety consisting of the following members, namely:—

(*a*) the Chairman, Central Water Commission—Chairperson, *ex officio*;

(*b*) not exceeding ten representatives of the Central Government not below the rank of Joint Secretary to that Government or equivalent dealing with matters relating to dam engineering or dam safety, nominated by the Central Government —Members, *ex officio*;

(*c*) not exceeding seven representatives of the State Governments of the level of Engineer-in-Chief or equivalent by rotation, nominated by the Central Government —Members, *ex officio*; and

(*d*) not exceeding three specialists in the field of dam safety and allied fields nominated by the Central Government—Members.

(*2*) The National Committee shall be constituted within a period of sixty days from the date of commencement of this Act, and shall be reconstituted for every three years thereafter.

Functions of National Committee.

6. (*1*) The National Committee shall discharge such functions as specified in the First Schedule as may be necessary to prevent dam failure related disasters and to maintain standards of dam safety.

(*2*) The National Committee may, in discharge of its functions, constitute such sub-committees as it may consider necessary to assist it and the secretarial assistance to the National Committee and the sub-committees shall be provided by the Authority.

(*3*) The knowledge and information collected or generated by the National Committee shall be disseminated to all stakeholders by the Authority.

Meetings of National Committee.

7. (*1*) The National Committee shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings in the manner as may be prescribed by the Central Government:

Provided that the National Committee shall meet twice in a year and one meeting shall be held before the onset of the monsoon season.

(*2*) The National Committee may invite the representative of the owner of any specified dam and such other experts in dam safety (including international experts) as it may consider appropriate for the discharge of its functions.

(*3*) The expenditure incurred on the National Committee shall be in such manner as may be prescribed by the Central Government.

CHAPTER III

NATIONAL DAM SAFETY AUTHORITY

Establishment of National Dam Safety Authority.

8. (*1*) With effect from such date as the Central Government may by notification, appoint, there shall be established for the purposes of this Act, a National Dam Safety Authority, within a period of sixty days from the date of commencement of this Act.

(*2*) The Authority shall be headed by an officer not below the rank of Additional Secretary to the Government of India or equivalent to be appointed by the Central Government who have knowledge of, and adequate qualification, experience and capacity in, dealing with problems relating to the dam engineering and dam safety management.

(*3*) The headquarters of the Authority shall be at the National Capital territory of Delhi and the Authority may establish offices at other places in India.

(*4*) The Authority shall comply with such directions as may, from time to time, be given to it by the Central Government.

Functions of Authority.

9. (*1*) The Authority shall discharge such functions as specified in the Second Schedule as may be necessary to implement the policy, guidelines and standards evolved by the National Committee for proper surveillance, inspection and maintenance of specified dams and for such purposes, it shall have the power to enforce the attendance of any person and call for any information as may be necessary.

(*2*) Without prejudice to the provisions contained in sub-section (*1*), the Authority shall make all endeavours to resolve any issue between the State Dam Safety Organisations of States or between a State Dam Safety Organisation and any owner of a specified dam in that State.

(*3*) Every decision of the Authority taken in respect of matters under this Act shall be final and binding upon all the parties to the issue.

Officers and Employees of Authority.

10. (*1*) The Central Government shall, for the purpose of enabling the Authority to perform functions under this Act, provide such number of officers and other employees as it may consider necessary:

Provided that the officers and other employees shall have such qualifications and experience in the field of dam safety including dam-design, hydro-mechanical engineering, hydrology, geo-technical investigation, instrumentation, dam-rehabilitation or such other fields as may be prescribed by the Central Government.

(*2*) The functions, powers, terms and conditions of service of the officers and other employees appointed under sub-section (*1*) shall be such as may be prescribed by the Central Government.

CHAPTER IV

STATE COMMITTEE ON DAM SAFETY

Constitution of State Committee on Dam Safety.

11. (*1*) With effect from such date as the State Government may, by notification, appoint, there shall be constituted, for the purposes of this Act, a State Committee on Dam Safety consisting of the following members, namely:—

(*a*) the Engineer-in-Chief or equivalent officer of the Department of the State responsible for Dam Safety—Chairperson, *ex officio;*

(*b*) technical and scientific officers of the rank of Chief Engineer, not exceeding six persons, from such Departments as may be decided by the State Government or from such other organisations owing specified dams—Members;

(*c*) the Chief Engineer or equivalent level officer of each such upstream States in cases where reservoir area of any of the specified dam of the State extends to another State—Members;

(*d*) the Chief Engineer or equivalent level officer of each such downstream State in cases where flood release of any of the specified dam of the State flows to a neighbouring State—Members;

(*e*) one representative of the Central Water Commission not below the rank of Director to be nominated by the Chairman, Central Water Commission—Member;

(*f*) experts in the field of hydrology or dam designs, not exceeding three, from engineering institutes—Members; and

(*g*) one representative of the Central Electricity Authority not below the rank of Director to be nominated by the Chairman, Central Electricity Authority—Member.

(*2*) The State Committee shall be constituted within a period of hundred and eighty days from the date of commencement of this Act, and reconstituted for every three years thereafter.

Functions of State Committee.

12. (*1*) The State Committee shall discharge such functions as specified in the Third Schedule as may be necessary to prevent dam failure related disasters under this Act as per guidelines, standards and other directions on dam safety issued by the Authority.

(*2*) The State Committee, in discharge of its functions, shall be assisted by such sub-committees as it may consider necessary, and the secretarial assistance to the State Committee as well as its sub-committees shall be provided by the concerned State Dam Safety Organisation.

Meetings of State Committee.

13. (*1*) The State Committee shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by the State Government:

Provided that the State Committee shall meet twice in a year and one meeting shall be held before the onset of the monsoon season.

(*2*) The State Committee may invite the representative of the owner of any specified dam and such other experts in Dam Safety as it may consider appropriate, for the discharge of its functions.

(*3*) The expenditure incurred on the meetings of the State Committee shall be in the manner as may be prescribed by the State Government.

(*4*) The specialist members and other expert invitees who attend the meetings of the State Committee or its sub-committees shall be paid such fees and allowances as may be prescribed by the State Government.

CHAPTER V

STATE DAM SAFETY ORGANISATION

Establishment of State Dam Safety Organisation.

14. (*1*) The State Government shall, for the purposes of this Act, by notification, establish in the Department dealing with dam safety, a separate organisation, to be known as the State Dam Safety Organisation, within a period of hundred and eighty days from the date of commencement of this Act:

Provided that in States having more than thirty specified dams, the State Dam Safety Organisation shall be headed by an officer not below the rank of Chief Engineer or equivalent, and in all other cases, the State Dam Safety Organisation shall be headed by an officer not below the rank of Superintendent Engineer or equivalent.

(*2*) The State Dam Safety Organisation shall be responsible to, and report to, the technical head of the Department dealing with Dam Safety.

(*3*) The organisational structure and work procedures of the State Dam Safety Organisation shall be such as may be prescribed by the State Government.

(*4*) The administrative and other expenses of the State Dam Safety Organisation shall be borne by the respective State Government.

Officers and employees of State Dam Safety Organisation.

15. (*1*) The State Government shall, having regard to the number of specified dams in that State, provide such number of officers and employees to the State Dam Safety Organisation as it may consider necessary for the efficient functioning of the said Organisation:

Provided that the officers and employees shall have such qualifications and experience in the field of dam safety including dam-design, hydro-mechanical engineering, hydrology, geo-technical investigation, instrumentation, dam-rehabilitation or such other field as may be prescribed by the State Government.

(*2*) The functions and powers of the officers and employees appointed under sub-section (*1*) shall be such as may be prescribed by the State Government.

CHAPTER VI

DUTIES AND FUNCTIONS IN RELATION TO DAM SAFETY

Surveillance and inspection.

16. (*1*) Every State Dam Safety Organisation shall,—

(*a*) keep perpetual surveillance;

(*b*) carry out inspections; and

(*c*) monitor the operation and maintenance,

of all specified dams falling under their jurisdiction to ensure continued safety of such specified dams and take such measures as may be necessary to address safety concerns that are noticed with a view to achieve satisfactory level of dam safety assurance as per such guidelines, standards and other directions on dam safety as may be specified by the regulations.

(*2*) The State Dam Safety Organisation, for the purpose of enabling it to make decisions compatible with public safety, shall make or cause to be made such investigations and shall

gather or cause to be gathered such data as may be required for proper review and study of the various features of the design, construction, repair and enlargement of dams, reservoirs and appurtenant structures under their jurisdiction.

Vulnerability and hazard classification of dams.

17. The State Dam Safety Organisation shall classify each dam under their jurisdiction as per such vulnerability and hazard classification criteria as may be specified by the regulations.

Maintenance of log books.

18. (*1*) Every State Dam Safety Organisation shall maintain a log book or database for each specified dam under their jurisdiction recording therein all activities related to the surveillance and inspection and all important events related to dam safety and with such details and in such form as may be specified by the regulations.

(*2*) Every State Dam Safety Organisation shall furnish all such information to the Authority as and when required by them.

Records of dam failures and dam incidents.

19. (*1*) Every State Dam Safety Organisation shall report the event of any dam failure under their jurisdiction to the Authority, and furnish any information as and when required by them.

(*2*) Every State Dam Safety Organisation shall maintain the records of major dam incidents of each specified dams under their jurisdiction, and furnish all such information to the Authority as and when required by them.

Instructions on safety of specified dams.

20. (*1*) Every State Dam Safety Organisation shall render its instructions to the owner of a specified dam on the safety or the remedial measures required to be taken with respect to it.

(*2*) Every owner of the specified dam shall comply with the instructions issued by the State Dam Safety Organisation with regard to safety or remedial measures in relation to any specified dam owned by it.

Funds for maintenance and repairs.

21. Every owner of the specified dam shall earmark sufficient and specific funds for maintenance and repairs of the specified dam and to implement the recommendations of the State Dam Safety Organisation.

Technical documentation.

22. (*1*) Every owner of the specified dam shall compile all technical documentations concerning hydrology, dam foundation, structural engineering of dam, watershed upstream of dam, and nature or use of land downstream of dam along with information on all resources or facilities of economic, logistic or environmental importance which are likely to be affected due to dam failure.

(*2*) Every owner of the specified dam shall furnish all such information to the State Dam Safety Organisation and the Authority as and when required by them.

(*3*) Every owner of the specified dam shall equip its organisation with the state-of-the-art information technology tools to store, retrieve, and distribute the data related to the dam safety and dam performance.

Qualifications and experience of individuals responsible for safety of specified dams.

23. Every individual responsible for safety of specified dams and all activities related thereto shall possess such qualifications and experience and shall undergo such training as may be specified by the regulations**.**

Jurisdiction of State Dam Safety Organisation and Authority.

24. (*1*) Without prejudice to the provisions of this Act, all specified dams, shall fall under the jurisdiction of the State Dam Safety Organisation of the State in which such dam is situated in matters relating to dam inspections, analysis of information, investigation reports or recommendations regarding safety status, and remedial measures to be undertaken

to improve dam safety; and in all such matters, full co-operation shall be extended by the owner of the specified dam:

Provided that where a specified dam is owned by a Central Public Sector Undertaking or where a specified dam is extended over two or more States, or where the specified dam in one State is owned by another State, then the Authority shall be construed as the State Dam Safety Organisation for the purposes of this Act:

Provided further that in all such dams where the Authority takes up the role of State Dam Safety Organisation, the Governments of the States within the jurisdiction of which such dams are located shall have access to all information relating to these specified dams as available with the Authority.

(*2*) The authorised representative of the Authority or concerned State Dam Safety Organisation for the purposes of making any inspection or investigation necessary for the implementation of the provisions of this Act, may enter upon any part of the specified dam or its site as and when required and apply such investigation methods, as may be considered necessary.

(*3*) After making inspection or investigation under sub-section (*2*), the representative referred to in that sub-section is of the opinion that certain remedial measures are required to be taken, he shall report such remedial measures to the officer-in-charge of such specified dam and to the concerned State Dam Safety Organisation.

(*4*) The Authority and concerned State Dam Safety Organisation, in cases of specified dams being found to be distressed on account of their age, degeneration, degradation, structural or other impediments, shall suggest such remedial measures on such operational parameters (including maximum reservoir level, maximum spillway discharge and maximum discharges through other outlets) as it may consider necessary.

(*5*) Nothing contained in sub-sections (*1*), (*2*), (*3*) and (*4*) shall absolve the owner of specified dam or any other authority or person from any of the responsibilities or obligations entrusted upon it under the provisions of this Act and the provisions of sub-sections (*1*), (*2*), (*3*) and (*4*) shall be in addition to, and not in derogation of, any other provision of this Act.

Cost of investigation.

25. All the costs to be incurred by the Authority or State Dam Safety Organisation on any form of investigation done including payment given to any consultant or expert, shall be borne by the owner of the specified dam.

Construction or alteration of dams.

26. (*1*) Any construction or alteration of a specified dam shall be undertaken subject to investigation, design and construction being done by such agencies as may be accredited by the Authority or the State Government, as the case may be:

Provided that the Authority may disqualify any agency which violates any of the provisions of this Act or the rules or regulations made thereunder.

(*2*) Every agency referred to in sub-section (*1*) shall, for the purpose of designing or evaluating the safety of the specified dam, make use of the relevant standard codes and guidelines of the Bureau of Indian Standards, and furnish the reasons, if any departure is made in the design or dam safety evaluation.

(*3*) Every agency referred to in sub-section (*1*) shall for the purpose of investigation, design and construction employ such qualified, experienced and competent engineers, as may be specified by the regulations.

(*4*) Every agency referred to in sub-section (*1*) shall for the purpose of approval of dam design demonstrate the safety of the design, operational parameters and policies as per the provisions of relevant codes and guidelines to the Central Government or the State Government, as the case may be.

(*5*) Every agency referred to in sub-section (*1*) shall, for the purpose of dam construction, undertake such quality control measures, as may be specified by the regulations.

(*6*) The construction of any specified dam or the alteration or enlargement of any existing specified dam shall be undertaken with the approval of such competent authority, as may be specified by notification by the Central Government or the State Government, as the case may be.

Initial filling of reservoirs.

27. (*1*) Before initial filling of any reservoir of a specified dam, the agency responsible for its design shall draw the filling criteria and prepare an initial filling plan, with adequate time for monitoring and evaluating the performance of the dam and its appurtenant structures.

(*2*) Before initial filling of the reservoir is taken up, the State Dam Safety Organisation shall inspect or cause to be inspected the specified dam either through its own engineers or by an independent panel of experts, who shall also examine the initial filling programme and prepare a detailed report thereof duly certifying the fitness of dam for filling.

Operation and maintenance.

28. (*1*) Every owner of the specified dam shall provide operation and maintenance establishment for the specified dam, and shall ensure that sufficient number of trained operation and maintenance engineers or technical persons are posted at each such dam.

(*2*) Every owner of the specified dam shall ensure that a well-documented operation and maintenance manual is kept at each of the specified dams and are followed at all times.

Responsibility of owner of specified dam.

29. Nothing contained in this Act shall be construed to absolve an owner of a specified dam of the duties, obligations or liabilities incidental to the construction, operation, maintenance and supervision of the dam or reservoir.

CHAPTER VII

SAFETY, INSPECTION AND DATA COLLECTION

Dam safety unit.

30. For each specified dam, the owner shall, within the operation and maintenance establishment, provide a dam safety unit consisting of such competent levels of engineers as may be specified by the regulations.

Inspection.

31. (*1*) Every owner of a specified dam shall undertake every year**,** through their dam safety unit, a pre-monsoon and post-monsoon inspections in respect of each such dam.

(*2*) Without prejudice to sub-section (*1*), every owner of a specified dam shall inspect or cause to be inspected every specified dam by the dam safety unit, during and after every flood, earthquake or any other natural or man-made calamities, or if any sign of distress or unusual behaviour is noticed in the dam.

(*3*) Every owner of a specified dam shall,—

(*a*) carry out all inspections referred to in sub-section (*1*) and sub-section (*2*) in accordance with the guidelines and check-lists as may be specified by the regulations;

(*b*) station, at each of the specified dam site throughout the monsoon period, such engineers and other technical personnel, as may be decided, in consultation with the State Dam Safety Organisation:

Provided that the engineers and other technical personnel shall be required to be stationed at their respective dam sites during entire period of emergency following any other natural or man-made calamity that may create distress conditions in the dam; and

(*c*) forward the inspection report by the dam safety unit to the State Dam Safety Organisation, which shall analyse the report and submit comments on the deficiency and remedial measures, if any, to the owner of the specified dam.

Instrumentations to be installed in every specified dam.

32. (*1*) Every owner of a specified dam shall have a minimum number of such instrumentations at each specified dam, and installed in such manner as may be specified by the regulations for monitoring the performance of such dam.

(*2*) Every owner of the specified dam shall maintain a record of readings of the instrumentations referred to in sub-section (*1*) and forward the analysis of such readings to the State Dam Safety Organisation, in the form, manner and at such interval as may be specified by the regulations.

Establishment of hydro-meteorological station.

33. (*1*) Every owner of a specified dam shall establish a hydro-meteorological station in the vicinity of each specified dam capable of recording such data as may be specified by the regulations.

(*2*) Every owner of the specified dam shall collect, compile, process and store data referred to in sub-section (*1*) at a suitable location.

Installations of seismological station.

34. (*1*) In the case of every specified dam, having a height of thirty metres or above or falling under such seismic zone, as may be specified by the regulations, the owner of the specified dam shall establish a seismological station in the vicinity of each such dam for recording micro and strong motion earthquakes and such other data as may be specified by the regulations.

(*2*) Every owner of a specified dam shall collect, compile, process and store data referred to in sub-section (*1*) at such suitable location and in such manner as may be specified by the regulations.

CHAPTER VIII

EMERGENCY ACTION PLAN AND DISASTER MANAGEMENT

Obligation of owner of specified dam.

35. (*1*) Every owner of a specified dam, in respect of each specified dam, shall,—

(*a*) establish well designed hydro-meteorological network and an inflow forecasting system;

(*b*) establish an emergency flood warning system for the probable flood affected areas downstream of the dam;

(*c*) test or cause to be tested periodically the functioning of systems referred to in clauses (*a*) and (*b*);

(*d*) install such scientific and technical instruments which are invented or adopted from time to time for the purpose of ensuring the dam safety and the life and property of people downstream;

(*e*) make available the information relating to maximum anticipated inflows and outflows including flood warning and an adverse impact of the same, if any, on persons and property towards the upstream or downstream of the dam, to the concerned district authorities and also make available the information in public domain; and

(*f*) render necessary assistance to the Authority in establishment and running of the early warning system for the exchange of real time hydrological and meteorological data and information related to the operation of reservoirs.

(*2*) Every owner of a specified dam, for each of its dam shall, carry out risk assessment studies at such interval as may be specified by the regulations and the first such study shall be made within five years from the date of commencement of this Act.

Emergency action plan.

36. (*1*) Every owner of a specified dam, in respect of each of specified dam, shall,—

(*a*) prepare emergency action plan before allowing the initial filling of the reservoir and thereafter update such plans at regular intervals;

(*b*) in respect of the dam which is constructed and filled before the commencement of this Act, prepare emergency action plan within five years from the date of commencement of this Act and thereafter update such plans at regular intervals as may be specified by the regulations.

(*2*) The emergency action plan referred to in sub-section (*1*) shall,—

(*a*) set out the procedures to be followed for the protection of persons and property upstream or downstream of the specified dam in the event of an actual or imminent dam failure or to mitigate the effects of the disaster;

(*b*) include therein,—

(*i*) the type of emergencies which are likely to occur in the operation of any reservoir;

(*ii*) identification of the likely catastrophic flood in the event of any dam failure, along with probable areas, population, structures and installations likely to be adversely affected due to flood water released from the reservoir;

(*iii*) warning procedures, inundation maps and advance preparations for handling efficiently and in the best possible manner the likely adverse situations especially to avoid loss of human life;

(*iv*) such other matters which may having regard to the geographical conditions, size of the dam and other relevant factors as may be necessary.

(*3*) The emergency action plan under this section shall be put into action as and when conditions arise which are hazardous or likely to be hazardous to a specified dam or potentially hazardous to public safety, infrastructure, other property or to the environment.

(*4*) Every owner of the specified dam shall, while preparing and updating the emergency action plan, undertake a consultation process with all disaster management agencies and other Departments of the State entrusted with disaster management and relief in the area likely to be affected and owners of other dams in the immediate vicinity likely to be affected, so as to bring coordination and transparency and allay any unwarranted fear on dam safety issues.

Assistance to other disaster management authorities.

37. Without prejudice to the provisions of this Act or liability of the owner of the specified dam and other organisations and authorities under this Act, every owner, organisation and authority shall render necessary assistance, if so required by any authority under any law for the time being in force to meet or mitigate any disaster or emergency arising out of the specified dams.

CHAPTER IX

COMPREHENSIVE DAM SAFETY EVALUATION

Comprehensive dam safety evaluation.

38. (*1*) The owner of a specified dam shall make or cause to be made comprehensive dam safety evaluation of each specified dam through an independent panel of experts constituted as per regulations for the purpose of determining the conditions of the specified dam and its reservoir:

Provided that the first comprehensive dam safety evaluation for each existing specified dam shall be conducted within five years from the date of commencement of this Act**,** and thereafter the comprehensive dam safety evaluation of each such dam shall be carried out at regular intervals as may be specified by the regulations.

(*2*) The comprehensive dam safety evaluation shall consists of, but not be limited to,—

(*a*) review and analysis of available data on the design, construction, operation, maintenance and performance of the structure;

(*b*) general assessment of hydrologic and hydraulic conditions with mandatory review of design floods as specified by the regulations;

(*c*) general assessment of seismic safety of specified dam with mandatory site specific seismic parameters study in certain cases as specified by the regulations;

(*d*) evaluation of the operation, maintenance and inspection procedures; and

(*e*) evaluation of any other conditions which constitute a hazard to the integrity of the structure.

Compulsory evaluation in certain cases.

39. The comprehensive dam safety evaluation referred to in section 38 shall be compulsory in the case of,—

(*a*) major modification to the original structure or design criteria;

(*b*) discovery of an unusual condition at the dam or reservoir rim; and

(*c*) an extreme hydrological or seismic event.

Reports of comprehensive evaluation.

40. (*1*) The owner of a specified dam shall report the results of the dam safety evaluation undertaken under section 38 or section 39 to the State Dam Safety Organisation.

(*2*) The reports referred to in sub-section (*1*) shall include, but not be limited to,—

(*a*) assessment of the condition of the structure based on the visual observations and available data on the design, hydrology, construction, operation, maintenance and performance of the structure;

(*b*) recommendations for any emergency measures or actions, if required, to assure the immediate safety of the structure;

(*c*) recommendations for remedial measures and actions related to design, construction, operation, maintenance and inspection of the structure, if required;

(*d*) recommendations for additional detailed studies, investigations and analysis, if required; and

(*e*) recommendations for improvements in routine maintenance and inspection of dam, if required.

(*3*) Where the safety evaluations undertaken under section 38 or section 39, results in recommendations for a remedial action, the State Dam Safety Organisation shall pursue with the owner of the specified dam to ensure that remedial measures are carried out in time, for which the owner shall provide adequate funds.

(*4*) Where there is any unresolved matter emerging between an independent panel of experts referred to in sub section (*1*) of section 38 and the owner of the specified dam, the matter shall be referred to the State Dam Safety Organisation, and, in case no agreement is arrived at, the matter shall be referred to the Authority which shall render its advice and send recommendations to the State Government concerned for implementation.

CHAPTER X

OFFENCES AND PENALTIES

Punishment for obstruction, etc.

41. Whoever, without reasonable cause,—

(*a*) obstructs any officer or employee of the Central Government or the State Government, or a person authorised by the National Committee or the Authority or the State Committee or the State Dam Safety Organisation in the discharge of his functions under this Act; or

(*b*) refuses to comply with any direction given by or on behalf of the Central Government or the State Government or the National Committee or the Authority or the State Committee or the State Dam Safety Organisation under this Act,

shall be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall be punishable with imprisonment for a term which may extend to two years.

Offences by Departments of Government.

42. (*1*) Where an offence under this Act has been committed by a Department of the Government, the head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section (*1*), where an offence under this Act has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the head of the Department, such officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Offence by companies.

43. (*1*) Where an offence under this Act has been committed by a company or body corporate, every person who at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section (*1*), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also, be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section—

(*a*) "company" means any body corporate and includes a firm or other association of individuals; and

(*b*) "director", in relation to a firm, means a partner in the firm.

Cognizance of offences.

44. (*1*) No court shall take cognizance of any offence punishable under this Act, except on a complaint made by the Central Government or the State Government or a person authorised in this behalf by the National Committee or the Authority or the State Committee or the State Dam Safety Organisation, as the case may be.

(*2*) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

CHAPTER XI

MISCELLANEOUS

Annual report of safety status of specified dam.

45. (*1*) Every State Dam Safety Organisation shall prepare annual report, within three months of the expiry of the preceding financial year, of its activities and safety status of specified dams in the State and such report shall be forwarded to the Authority and State Government and that Government shall cause the same to be laid before each House of the State Legislature, where it consists of two Houses or where such Legislature consists of one House, before that House.

(*2*) Every State Dam Safety Organisation and every owner of a specified dam shall provide to the Authority, documentation of the projects, report of enquiries into failure and any other data, as and when required in such format and in such manner as may be decided by the Authority.

(*3*) The Authority, shall prepare a consolidated annual report of the dam safety activities in the country and submit the same to the Central Government within six months of the

expiry of the preceding financial year and that Government shall cause the same to be laid before each House of Parliament.

(*4*) The Authority shall forward its annual report on the safety status of specified dams to the National Disaster Management Authority and also make available such report in public domain.

(*5*) The State Dam Safety Organisation of each State shall forward their annual report to the concerned State Disaster Management Authority and also make available such report in public domain.

Safety measures in respect of dams other than specified dams.

46. Every owner of the dam other than specified dams shall undertake such measures as may be necessary to ensure dam safety and shall comply with such measures as may be specified by the regulations.

Safety measures in respect of dams located outside territory of India.

47. Where a dam**,** including a dam created due to landslides or glacial moraine, is located outside the territory of India and the Authority *suo motu* or on receipt of information from any person or organisation or authority or source *prima facie* is of the opinion that measures are required to be taken to ensure safety of such dams and failure of which may endanger the life and property of people located in India, it shall in writing submit an intimation thereof to the Central Government indicating therein the likely damages which may arise due to failure of such dams and the safety measures required to be taken in respect of such dam and the Central Government shall take all suitable measures to mitigate any possible threat.

Act to have overriding effect.

48. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to amend Schedules.

49. (*1*) If the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend the First Schedule, the Second Schedule or the Third Schedule and thereupon the Schedules, shall be deemed to have been amended accordingly.

(*2*) A copy of every notification made under sub-section (*1*) shall be laid before each House of Parliament as soon as may be after it is made.

Power of Central Government to give directions.

50. The Central Government may give such directions, as it may consider necessary, to the State Government where that Government is the owner of the specified dam and to the owner of a specified dam in any other case for the effective implementation of the provisions of this Act.

Vacancies, etc., not to invalidate proceedings of National Committee on Dam Safety Authority and State Committee on Dam Safety.

51. No act or proceedings of the National Committee, the Authority and the State Committee shall be invalid merely by reason of—

(*a*) any vacancy in, or any defect in the constitution of, the Authority; or

(*b*) any defect in the appointment of a person acting as a member of the Authority; or

(*c*) any irregularity in the procedure of the Authority not affecting the merits of the case.

Power of Central Government to make rules.

52. (*1*) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(*2*) In particular, and without prejudice to the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the time and place of the meetings of the National Committee and the procedure to be followed at such meetings under sub-section (*1*) of section 7 and the expenditure incurred on the meetings of the National Committee under sub-section (*3*) of section 7;

(*b*) the qualifications and experience of the officers and other employee of the Authority in the field of dam safety or such other field under sub-section (*1*) of section 10;

(*c*) the functions, powers, and terms and conditions of service of other officers and other employees of the Authority under sub-section (*2*) of section 10;

(*d*) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the Central Government by rules.

Power of State Government to make rules.

53. (*1*) The State Government may, by notification, make rules to carry out the provisions of this Act.

(*2*) In particular, and without prejudice to the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the times and places of the meetings of the State Committee and the procedure to be followed at such meetings under sub-section (*1*) of section 13;

(*b*) the expenditure incurred on the meetings of the State Committee under sub-section (*3*) of section 13*;*

(*c*) the fee and allowances paid to the specialist members or expert invitees of the State Committee or its sub-committees under sub-section (*4*) of section 13;

(*d*) the organisational structure and work procedure of State Dam Safety Organisation under sub-section (*3*) of section 14;

(*e*) the qualifications and experience of the officers and other employees of the State Dam Safety Organisation in the field of dam safety or such other field under sub-section (*1*) of section 15;

(*f*) the functions, powers, and terms and conditions of service of the employees of the State Dam Safety Organisation under sub-section (*2*) of section 15;

(*g*) the dam safety measures in respect of dams other than specified dams under section 46*;*

(*h*) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the State Government by rules.

(*3*) Every rule made by a State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature, where it consists of two Houses, or where such legislature consists of one House, before that House.

Power to make regulations by Authority.

54. (*1*) The Authority on the recommendations of the National Committee may make regulations consistent with this Act and the rules made thereunder to carry out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(*a*) the guidelines, standards and other directions for achieving the satisfactory level of dam safety assurance under sub-section (*1*) of section 16;

(*b*) the vulnerability and hazard classification criteria of specified dams under section 17;

(*c*) the details and form pertaining to the maintenance of log books or database under sub-section (*1*) of section 18;

(*d*) the qualifications, experience and training of the individuals responsible for safety of specified dams under section 23;

(*e*) the employment of competent engineers and their qualifications and experience for the purpose of investigation, design and construction of specified dams under sub-section (*3*) of section 26;

(*f*) the quality control measures for the purpose of dam construction under sub-section (*5*) of section 26;

(*g*) the level of competent engineers for the dam safety units under section 30;

(*h*) the guidelines and check-lists for inspection of specified dams under clause (*a*) of sub-section (*3*) of section 31;

(*i*) the minimum number of set of instrumentations in the specified dams and the manner of their installation under sub-section (*1*) of section 32;

(*j*) the form, manner and time interval for forwarding the analysis of readings to the State Dam Safety Organisation under sub-section (*2*) of section 32;

(*k*) the data requirements of hydro-meteorological stations in the vicinity of specified dams under sub-section (*1*) of section 33;

(*l*) the data requirements of seismological stations in the vicinity of specified dams under sub-section (*1*) of section 34;

(*m*) the suitable location and manner of collection, compliance, process and storage of data under sub-section (*2*) of section 34;

(*n*) the time interval of risk assessment studies to be carried out under sub-section (*2*) of section 35;

(*o*) time interval for updating the emergency action plan under clause (*b*) of sub-section (*1*) of section 36;

(*p*) the time interval for the comprehensive safety evaluation of specified dams under sub-section (*1*) of section 38;

(*q*) the mandatory review of design flood of existing specified dams under clause (*b*) of sub-section (*2*) of section 38;

(*r*) the mandatory site specific seismic parameter studies of existing specified dams under clause (*c*) of sub-section (*2*) of section 38;

(*s*) the measures necessary to ensure dam safety by every owner of dam other than specified dams under section 46;

(*t*) any other matter which is to be specified or in respect of which provision is to be made by the Authority.

Rules and regulations to be laid before Parliament.

55. Every rule and every regulation made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Power to remove difficulties.

56. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiry of three years from the date of commencement of this Act.

(*2*) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

THE FIRST SCHEDULE

[*See* section 6(*1*)]

FUNCTIONS OF NATIONAL COMMITTEE ON DAM SAFETY

1. For the purposes of maintaining standards of dam safety and prevention of dam failure related disasters, evolve dam safety policies and recommend necessary regulations as may be required;

2. act as a forum for exchange of views on techniques to be adopted for remedial measures to relieve distress conditions in specified dams and appurtenant structures;

3. analyse the causes of major dam incidents and dam failures and suggest changes in the planning, specifications, construction, operation and maintenance practices in order to avoid recurrence of such incidents and failures;

4. evolve comprehensive dam safety management approach as an integration of dam safety evaluation, risk assessment and risk management for the desired level of safety assurance; and also explore compensations, by means of insurance coverage for the people affected by dam failures;

5. render advice on any specific matter relating to dam safety which may be referred to it by the Central Government or the State Government, as the case may be;

6. make recommendations on a request by the Central Government on safety measures in respect of dams located outside the territory of India;

7. make recommendations on the rehabilitation requirements of ageing dams;

8. provide strategic supervision for such dam rehabilitation programmes that are executed in States through central or externally aided funding;

9. identify areas of research and development for dam safety and recommend for provision of funds;

10. make recommendations on the coordinated reservoir operations of cascading dams; and

11. any other specific matter relating to dam safety which may be referred to it by the Central Government.

THE SECOND SCHEDULE

[*See* section 9(*1*)]

FUNCTIONS OF NATIONAL DAM SAFETY AUTHORITY

1. For the purpose of maintaining standards of dam safety and prevention of dam failure related disasters, discharge such functions as related to implementation of the policies made by the National Committee including making regulations on the recommendations of the National Committee;

2. resolve any issue between the State Dam Safety Organisations of States or between a State Dam Safety Organisation and any owner of a specified dam in that State;

3. provide the state-of-the-art technical and managerial assistance to the State Dam Safety Organisations;

4. maintain a national level database of all specified dams in the country, including serious distress conditions, if any, noticed therein;

5. maintain liaison with the State Dam Safety Organisations and the owners of the specified dams for standardisation of dam safety related data and practices, and related technical or managerial assistance;

6. lay down guidelines and check-lists for the routine inspection and detailed investigation of the specified dams and appurtenant structures;

7. maintain the records of major dam failures in the country;

8. examine, as and when necessary, either through its own engineers or through a panel of experts, the cause of any major dam failure, and submit its report to the National Committee;

9. examine whenever required, either through its own engineers or through a panel of experts, the cause of any major public safety concern in respect of any specified dam, and issue appropriate instructions relating to further investigations, operational parameters or remedial measures;

10. lay down the uniform criteria for vulnerability and hazard classification of the specified dams in the country, and review such criteria as and when necessary;

11. give directions regarding maintenance of log books or database;

12. give directions regarding qualifications and experience requirements of individuals responsible for safety of the specified dams;

13. accord accreditations to the agencies that may be entrusted with the investigation, design, construction and alteration of the specified dams;

14. disqualify any agency for taking up investigation, design, construction or alteration of the specified dams, if it violates any of the regulations made under this Act;

15. give directions regarding qualification and experience requirements of individuals responsible for investigation, design and construction of the specified dams;

16. give directions regarding quality control measures to be undertaken during construction of the specified dams;

17. lay down guidelines for preventive measures in the areas vulnerable to landslides in the vicinity of a specified dam under construction;

18. give directions regarding competent levels of engineers in the dam safety units of the specified dams on the basis of vulnerability and hazard classification of such dams;

19. give directions regarding instrumentation requirements and manner of their installation for monitoring the performance of the specified dams;

20. give directions regarding data requirements of hydro-meteorological stations in the vicinity of the specified dams;

21. give directions regarding data requirements of seismological stations in the vicinity of the specified dams;

22. give directions regarding time interval for the risk assessment studies of the specified dams on the basis of vulnerability and hazard classification of such dams;

23. give directions regarding time interval for updating the emergency action plans of the specified dams on the basis of vulnerability and hazard classification of such dams;

24. give directions regarding constitution of independent panel of experts for comprehensive dam safety evaluation of the specified dams;

25. give directions regarding time interval for the comprehensive safety evaluation of the specified dams on the basis of vulnerability and hazard classification of such dams;

26. lay down guidelines for review of design floods of existing the specified dams;

27. lay down guidelines for review of site specific seismic parameter studies of the specified dams;

28. establishment of an early warning system incorporating appropriate framework for the exchange of real time hydrological and meteorological data and information related to operation of reservoirs by the owner of a dam;

29. promote general education and awareness in relation to dam safety;

30. provide secretarial assistance to the National Committee and its sub-committees;

31. provide coordination and overall supervision of dam rehabilitation programmes that are executed in States through central or externally aided funding; and

32. any other specific matter relating to dam safety which may be referred to it by the Central Government.

THE THIRD SCHEDULE

[*See* section 12(*1*)]

FUNCTIONS OF STATE COMMITTEE ON DAM SAFETY

1. For the purpose of maintaining standards of dam safety and prevention of dam failure related disasters, discharge such functions as may be necessary as per the guidelines, standards and other directions issued by the Authority;

2. review the work done by the State Dam Safety Organisation;

3. establish priorities for investigations in case of specified dams under distress condition;

4. in cases where investigations with respect to safety of any specified dam in the State had already been undertaken, to order further investigations in relation to safety of such specified dam and assign responsibilities for execution including the use of non-departmental resources, and association of independent experts where necessary;

5. recommend the appropriate measures to be taken in relation to the safety of the specified dam which is under distress condition;

6. establish priorities among projects requiring remedial safety works;

7. review the progress on measures recommended in relation to dam safety;

8. assess potential implication of reservoir filling of a specified dam in the State on any upstream State, and coordinate mitigation measures with such upstream States;

9. assess potential implication of failure of a specified dam in the State on any downstream State, and coordinate mitigation measures with such downstream States;

10. assess probability of cascading dam failure, and coordinate mitigation measures with all concerned, including bordering States;

11. recommend provision of funds for the purpose of planned and appropriately phased rehabilitation of ageing dams in the State;

12. provide strategic supervision for such dam improvement and rehabilitation programmes that are executed through State funding; and

13. any other specific matter relating to dam safety which may be referred to it by the State Government.

———

DR. REETA VASISHTA,
Secretary to the Govt. of India.

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ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
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ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-32

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 20*th December,* 2021/*Agrahayana* 29, 1943 (*Saka*)

The following Act of Parliament received the assent of the President on the 18th December, 2021 and is hereby published for general information:—

THE ASSISTED REPRODUCTIVE TECHNOLOGY (REGULATION) ACT, 2021

(No. 42 of 2021)

[18*th December*, 2021]

An Act for the regulation and supervision of the assisted reproductive technology clinics and the assisted reproductive technology banks, prevention of misuse, safe and ethical practice of assisted reproductive technology services for addressing the issues of reproductive health where assisted reproductive technlogy is required for becoming a parent or for freezing gametes, embryos, embryonic tissues for further use due to infertility, disease or social or medical concerns and for regulation and supervision of research and development and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I
Preliminary

1. (*1*) This Act may be called the Assisted Reproductive Technology (Regulation) Act, 2021. Short title and commencement.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. (*1*) In this Act, unless the context otherwise requires,—

(*a*) "assisted reproductive technology" with its grammatical variations and cognate expressions, means all techniques that attempt to obtain a pregnancy by handling the sperm or the oocyte outside the human body and transferring the gamete or the embryo into the reproductive system of a woman;

(*b*) "assisted reproductive technology bank" means an organisation which shall be responsible for collection of gametes, storage of gametes and embryos and supply of gametes to the assisted reproductive technology clinics or their patients;

(*c*) "assisted reproductive technology clinic" means any premises equipped with requisite facilities and medical practitioners registered with the National Medical Commission for carrying out the procedures related to the assisted reproductive technology;

(*d*) "child" means any individual born through the use of the assisted reproductive technology;

(*e*) "commissioning couple" means an infertile married couple who approach an assisted reproductive technology clinic or assisted reproductive technology bank for obtaining the services authorised of the said clinic or bank;

(*f*) "embryo" means a developing or developed organism after fertilisation till the end of fifty-six days from the day of fertilisation;

(*g*) "gamete" means sperm and oocyte;

(*h*) "gamete donor" means a person who provides sperm or oocyte with the objective of enabling an infertile couple or woman to have a child;

(*i*) "gynaecologist" shall have the same meaning as assigned to it in the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994; 57 of 1994.

(*j*) "infertility" means the inability to conceive after one year of unprotected coitus or other proven medical condition preventing a couple from conception;

(*k*) "National Board" means the National Assisted Reproductive Technology and Surrogacy Board to be constituted under sub-section (*1*) of section 15 of the Surrogacy Act;

(*l*) "National Registry" means the National Assisted Reproductive Technology and Surrogacy Registry established under section 9;

(*m*) "notification" means a notification published in the Official Gazette;

(*n*) "patients" means an individual or couple who comes to any registered assisted reproductive technology clinic for management of infertility;

(*o*) "prescribed" means prescribed by rules made under this Act;

(*p*) "appropriate authority" means the authority appointed under section 12;

(*q*) "regulations" means the regulations made by the National Board under this Act;

(*r*) "sperm" means the mature male gamete;

(*s*) "State Board" means a State Assisted Reproductive Technology and Surrogacy Board to be constituted under sub-section (*1*) of section 24 of the Surrogacy Act;

(*t*) "Surrogacy Act" means the Surrogacy (Regulation) Act, 2021; and

(*u*) "woman" means any woman above the age of twenty-one years who approaches an assisted reproductive technology clinic or assisted reproductive technology bank for obtaining the authorised services of the clinic or bank.

(*2*) The expressions "clinics" and "banks" occurring in this Act shall be construed as "assisted reproductive technology clinics" and "assisted reproductive technology banks".

(*3*) Words and expressions used herein and not defined in this Act but defined in the Surrogacy (Regulation) Act shall have the meanings respectively assigned to them in that Act.

CHAPTER II

AUTHORITIES TO REGULATE ASSISTED REPRODUCTIVE TECHNOLOGY

A. THE NATIONAL ASSISTED REPRODUCTIVE TECHNOLOGY AND SURROGACY BOARD

National Assisted Reproductive Technology and Surrogacy Board.

3. The National Assisted Reproductive Technology and Surrogacy Board to be constituted under sub-section (*1*) of section 15 of the Surrogacy Act shall be the National Board for the purposes of this Act.

Application of provisions of Surrogacy Act with respect to National Board.

4. Subject to the provisions of this Act and the rules made thereunder, the provisions of the Surrogacy Act relating to—

(*i*) constitution of the National Assisted Reproductive Technology and Surrogacy Board;

(*ii*) term of office of Members of the National Board;

(*iii*) meetings of the National Board;

(*iv*) vacancies, etc., not to invalidate proceedings of the National Board;

(*v*) disqualifications for appointment as Member of the National Board;

(*vi*) temporary association of persons with the National Board for particular purposes;

(*vii*) authentication of orders and other instruments of the National Board; and

(*viii*) eligibility of Members of the National Board for re-appointment,

shall, *mutatis mutandis,* apply, so far as may be, in relation to assisted reproductive technology as they apply in relation to surrogacy, as if they are enacted under this Act.

Powers and functions of National Board.

5. The National Board shall exercise and discharge the following powers and functions, namely:—

(*a*) to advise the Central Government on policy matters relating to the assisted reproductive technology;

(*b*) to review and monitor the implementation of the Act, rules and regulations made thereunder and recommend to the Central Government, any suitable changes therein;

(*c*) to lay down code of conduct to be observed by persons working at clinics and banks, to set the minimum standards of physical infrastructure, laboratory and diagnostic equipment and expert manpower to be employed by clinics and banks;

(*d*) to oversee the performance of various bodies constituted under this Act and take appropriate steps to ensure their effective performance;

(*e*) to supervise the functioning of the National Registry and liaison with the State Boards;

(*f*) to pass orders as per the provisions made under this Act; and

(*g*) such other powers and functions as may be prescribed.

B. STATE ASSISTED REPRODUCTIVE TECHNOLOGY AND SURROGACY BOARD

State Assisted Reproductive Technology and Surrogacy Board.

6. The State Assisted Reproductive Technology and Surrogacy Board to be constituted under sub-section (*1*) of section 24 of the Surrogacy Act shall be the State Board for the purposes of this Act.

Application of provisions of Surrogacy Act with respect to State Board.

7. Subject to the provisions of this Act and the rules made thereunder, the provisions of the Surrogacy Act relating to—

(*i*) constitution of the State Assisted Reproductive Technology and Surrogacy Board;

(*ii*) composition of the State Board;

(*iii*) term of office of members of the State Board;

(*iv*) meetings of the State Board;

(*v*) vacancies, etc., not to invalidate proceedings of the State Board;

(*vi*) disqualifications for appointment as member of the State Board;

(*vii*) temporary association of persons with the State Board for particular purposes;

(*viii*) authentication of orders and other instruments of the State Board; and

(*ix*) eligibility of member of the State Board for re-appointment,

shall, *mutatis mutandis,* apply, so far as may be, in relation to assisted reproductive technology as they apply in relation to surrogacy, as if they are enacted under this Act.

Powers and functions of State Board.

8. (*1*) Subject to the provisions of this Act and the rules and regulations made thereunder, the State Board shall have the responsibility to follow the policies and plans laid by the National Board for clinics and banks in the State.

(*2*) Without prejudice to the generality of the provisions contained in sub-section (*1*), the State Board, taking into account the recommendations, policies and regulations of the National Board, shall—

(*a*) co-ordinate the enforcement and implementation of the policies and guidelines for assisted reproduction; and

(*b*) such other powers and functions as may be prescribed.

(*3*) In the exercise of its functions under this Act, the State Board shall give such directions or pass such orders as directed by the National Board.

C. THE NATIONAL ASSISTED REPRODUCTIVE TECHNOLOGY AND SURROGACY REGISTRY AND THE APPROPRIATE ASSISTED REPRODUCTIVE TECHNOLOGY AND SURROGACY AUTHORITY

Establishment of National Registry of clinics and banks.

9. The Central Government may, within a period of ninety days from the date of commencement of this Act, by notification, establish for the purposes of this Act and Surrogacy Act, a Registry to be called the National Assisted Reproductive Technology and Surrogacy Registry.

Composition of National Registry.

10. The National Registry referred to in section 9 shall consist of such scientific, technical, administrative and supportive staff and the terms and conditions of their service shall be such as may be prescribed.

Functions of National Registry.

11. The National Registry shall discharge the following functions, namely:—

(*a*) it shall act as a central database in the country through which the details of all the clinics and banks of the country including nature and types of services provided by them, outcome of the services and other relevant information shall be obtained on regular basis;

(*b*) it shall assist the National Board in its functioning by providing the data generated from the central database of the Registry;

(*c*) the data generated from the National Registry shall be utilised by the National Board for making policies, guidelines and shall help in identifying new research areas and conducting research in the area of assisted reproduction and other related fields in the country; and

(*d*) such other functions as may be prescribed.

Appointment of appropriate authority.

12. (*1*) The Central Government shall, within a period of ninety days from the date of commencement of this Act, by notification, appoint one or more appropriate assisted reproductive technology and surrogacy authorities for each of the Union territories for the purposes of this Act and the Surrogacy Act.

(*2*) The State Government shall, within a period of ninety days from the date of commencement of this Act, by notification, appoint one or more appropriate assisted reproductive technology and surrogacy authorities for the whole or any part of the State for the purposes of this Act and the Surrogacy Act.

(*3*) The appropriate authority, under sub-section (*1*) or sub-section (*2*), shall,—

(*a*) when appointed for the whole of the State or the Union territory, consist of—

(*i*) an officer of or above the rank of the Joint Secretary of the Health and Family Welfare Department—Chairperson, *ex officio;*

(*ii*) an officer of or above the rank of the Joint Director of the Health and Family Welfare Department — Vice Chairperson, *ex officio;*

(*iii*) an eminent woman representing women's organisation—member;

(*iv*) an officer of Law Department of the State or the Union territory concerned not below the rank of a Deputy Secretary—member, *ex officio;* and

(*v*) an eminent registered medical practitioner—member:

Provided that any vacancy occurring therein shall be filled within one month of the occurrence of such vacancy;

(*b*) when appointed for any part of the State or the Union territory, the officers of such other rank as the State Government or the Central Government, as the case may be, may deem fit.

(*4*) The members of appropriate authority, other than *ex officio* members, shall receive only compensatory travelling expenses for attending the meetings of such Authority.

Functions of appropriate authority.

13. The appropriate authority shall discharge the following functions, namely:—

(*a*) to grant, suspend or cancel registration of a clinic or bank;

(*b*) to enforce the standards to be fulfilled by the clinic or bank;

(*c*) to investigate complaints of breach of the provisions of this Act, rules and regulations made thereunder and take legal action as per provisions of this Act;

(*d*) to take appropriate legal action against the misuse of assisted reproductive technology by any person and also to initiate independent investigations in such matter;

(*e*) to supervise the implementation of the provisions of this Act and the rules and regulations made thereunder;

(*f*) to recommend to the National Board and State Boards about the modifications required in the rules and regulations in accordance with changes in technology or social conditions;

(*g*) to take action after investigation of complaints received by it against the assisted reproductive technology clinics or banks; and

(*h*) such other functions as may be prescribed.

Powers of appropriate authority.

14. (*1*) The appropriate authority shall exercise the powers in respect of the following matters, namely:—

(*a*) summoning of any person who is in possession of any information relating to violation of the provisions of this Act and the rules and regulations made thereunder;

(*b*) production of any document or material object relating to clause (*a*);

(*c*) searching of any place suspected to be violating the provisions of this Act and the rules and regulations made thereunder; and

(*d*) such other powers as may be prescribed.

(*2*) The appropriate authority shall maintain the details of registration of assisted reproductive technology clinics and banks, cancellation of registration, renewal of registration, grant of certificates to the commissioning couple and woman or any other matter pertaining to grant of licence and the like of the clinic or bank in such format as may be prescribed and submit the same to the National Board.

CHAPTER III

PROCEDURES FOR REGISTRATION

Registration of assisted reproductive technology clinic or assisted reproductive technology bank.

15. (*1*) No person shall establish any clinic or bank for undertaking assisted reproductive technology or to render assisted reproductive technology procedures in any form unless such clinic or bank is duly registered under this Act.

(*2*) Every application for registration under sub-section (*1*) shall be made to the National Registry through the appropriate assisted reproductive technology and surrogacy authority in such form, manner and shall be accompanied by such fees as may be prescribed.

(*3*) Every clinic or bank which is conducting assisted reproductive technology, partly or exclusively shall, within a period of sixty days from the date of establishment of the National Registry, apply for registration:

Provided that such clinics and banks shall cease to conduct any such counselling or procedures on the expiry of six months from the date of commencement of this Act, unless such clinics and banks have applied for registration and is so registered separately or till such application is disposed of, whichever is earlier.

(*4*) No clinics or banks shall be registered under this Act, unless the appropriate authority is satisfied that such clinics and banks are in a position to provide such facilities and maintain such equipment and standards including specialised manpower, physical infrastructure and diagnostic facilities as may be prescribed.

Grant of registration.

16. (*1*) On receipt of the application under sub-section (*1*) of section 15, the appropriate authority shall within a period of thirty days—

(*i*) grant registration subject to the provisions of this Act and the rules and regulations made thereunder, and provide a registration number to the applicant; or

(*ii*) reject the application for reasons to be recorded in writing, if such application does not conform to the provisions of this Act or the rules or regulations made thereunder:

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard in the matter.

(*2*) If the appropriate authority fails to grant the registration or reject the application, as the case may be, as provided under sub-section (*1*), the appropriate authority shall, within a period of seven days from the expiry of the said period of thirty days specified under sub-section (*1*), provide a reason for the failure to process the application.

(*3*) The appropriate authority shall, within a period of one month of registration being granted under this section, intimate such registration to the State Board.

(*4*) The State Board shall maintain a record of all registrations applied for and granted under this section.

(*5*) No registration shall be granted unless the State Board has inspected the premises of the applicant.

(*6*) The registration granted under this section shall be valid for a period of five years from the date of registration granted by the appropriate authority.

(*7*) The certificate of registration shall be displayed by the clinic or bank at a conspicuous place and such certificate shall contain the duration of validity of such registration.

Renewal of registration.

17. The registration granted under section 16, may be renewed for a further period of five years by the appropriate authority, on an application made by the applicant, under such conditions, in such form and on payment of such fee as may be prescribed:

Provided that no application for renewal of registration shall be rejected without giving an opportunity of being heard to the applicant.

Suspension or cancellation of registration.

18. (*1*) The appropriate authority may on receipt of a complaint, issue a notice to the clinic or bank to show cause as to why its registration should not be suspended or cancelled for the reasons mentioned in the notice.

(*2*) If after giving a reasonable opportunity of being heard to the clinic or bank, the appropriate authority is satisfied that there has been a breach of the provision of this Act or the rules or regulations made thereunder or if the data obtained from them periodically do not satisfy the provisions of this Act, the rules and regulations made thereunder, it may, without prejudice to any criminal action, suspend its registration for such period as it may deem fit or cancel its registration.

(*3*) On cancellation of registration, a copy of the cancellation letter shall be sent to the respective State Board and accordingly the State Board shall cancel the registration of such clinics and banks.

Appeal.

19. The clinic or bank or the commissioning couple or the woman may, within a period of thirty days from the date of receipt of the communication relating to order of rejection of application, suspension or cancellation of registration passed by the appropriate authority under section 16 or section 18, prefer an appeal against such order to—

(*a*) the State Government, where the appeal is against the order of the appropriate authority of a State;

(*b*) the Central Government, where the appeal is against the order of the appropriated authority of a Union territory,

in such manner as may be prescribed.

Power to inspect premises, etc.

20. The National Board, the National Registry and the State Board shall have the power to,—

(*i*) inspect, any premises relating to assisted reproductive technology; or

(*ii*) call for any document or material,

in exercise of their powers and discharge of their functions.

CHAPTER IV

DUTIES OF ASSISTED REPRODUCTIVE TECHNOLOGY CLINIC AND ASSISTED REPRODUCTIVE TECHNOLOGY BANK

General duties of assisted reproductive technology clinics and banks.

21. The clinics and banks shall perform the following duties, namely:—

(*a*) the clinics and banks shall ensure that commissioning couple, woman and donors of gametes are eligible to avail the assisted reproductive technology procedures subject to such criteria as may be prescribed;

(*b*) the clinics shall obtain donor gametes from the banks and such banks shall ensure that the donor has been medically tested for such diseases as may be prescribed;

(*c*) the clinics shall—

(*i*) provide professional counselling to commissioning couple and woman about all the implications and chances of success of assisted reproductive technology procedures in the clinic;

(*ii*) inform the commissioning couple and woman of the advantages, disadvantages and cost of the procedures, their medical side effects, risks including the risk of multiple pregnancy; and

(*iii*) help the commissioning couple or woman to arrive at an informed decision on such matters that would most likely be the best for the commissioning couple;

(*d*) the clinics shall make commissioning couple or woman, aware of the rights of a child born through the use of assisted reproductive technology;

(*e*) the clinics and banks shall ensure that information about the commissioning couple, woman and donor shall be kept confidential and the information about treatment shall not be disclosed to anyone except to the database to be maintained by the National Registry, in a medical emergency at the request of the commissioning couple to whom the information relates, or by an order of a court of competent jurisdiction;

(*f*) every clinic and every bank shall maintain a grievance cell in respect of matters relating to such clinics and banks and the manner of making a compliant before such grievance cell shall be such as may be prescribed;

(*g*) the clinics shall apply the assisted reproductive technology services,—

(*i*) to a woman above the age of twenty-one years and below the age of fifty years;

(*ii*) to a man above the age of twenty-one years and below the age of fifty-five years;

(*h*) the clinics shall issue to the commissioning couple or woman a discharge certificate stating details of the assisted reproductive technology procedure performed on the commissioning couple or woman;

(*i*) all clinics and banks shall co-operate and make available their premises for physical inspection by the National Board, National Registry and State Boards;

(*j*) all clinics and banks shall provide all information related to—

(*i*) enrolment of the commissioning couple, woman and gamete donors;

(*ii*) the procedure being undertaken; and

(*iii*) outcome of the procedure, complications, if any, to the National Registry periodically, in such manner as may be prescribed.

Written informed consent.

22. (*1*) The clinic shall not perform any treatment or procedure without—

(*a*) the written informed consent of all the parties seeking assisted reproductive technology;

(*b*) an insurance coverage of such amount as may be prescribed for a period of twelve months in favour of the oocyte donor by the commissioning couple or woman from an insurance company or an agent recognised by the Insurance Regulatory and Development Authority established under the provisions of the Insurance Regulatory and Development Authority Act, 1999. 41 of 1999.

(*2*) The clinics and banks shall not cryo-preserve any human embryos or gamete, without specific instructions and consent in writing from all the parties seeking assisted reproductive technology, in case of death or incapacity of any of the parties.

(*3*) The clinic shall not use any human reproductive material, except in accordance with the provisions of this Act to create a human embryo or use an *in-vitro* human embryo for any purpose without the specific consent in writing of all the concerned persons to whom the assisted reproductive technology relates.

(*4*) Any of the commissioning couple may withdraw his or her consent under sub-section (*1*), any time before the human embryos or the gametes are transferred to the concerned woman's uterus.

Explanation.—For the purposes of this section, the expressions—

(*i*) "cryo-preserve" means the freezing and storing of gametes, zygotes, embryos, ovarian and testicular tissues;

(*ii*) "insurance" means an arrangement by which a company, individual or commissioning couple undertake to provide a guarantee of compensation for specified loss, damage, complication or death of oocyte donor during the process of oocyte retrieval; and

(*iii*) "parties" includes the commissioning couple or woman and the donor.

Duties of assisted reproductive technology clinics and banks to keep accurate records.

23. The duties of clinics and banks while keeping the records relating to such clinics and banks are as under:—

(*a*) all clinics and banks shall maintain detailed records of all donor's oocytes, sperm or embryos used or unused, the manner and technique of their use in such manner as may be prescribed;

(*b*) all clinics and banks shall, as and when the National Registry is established, submit by online,—

(*i*) all information available with them in regard to progress of the commissioning couple or woman; and

(*ii*) information about number of donors (sperm and oocyte), screened, maintained and supplied and the like to the National Registry within a period of one month from the date of receipt of such information;

(*c*) the records maintained under clause (*a*) shall be maintained for at least a period of ten years, upon the expiry of which the clinic and bank shall transfer the records to a central database of the National Registry:

Provided that if any criminal or other proceedings are instituted against any clinics or banks, the records and all other documents of such clinics and banks shall be preserved till the final disposal of such proceedings;

(*d*) in the event of the closure of any clinic or bank before the expiry of the period of ten years under clause (*c*), such clinic or bank shall immediately transfer the records to the central database of the National Registry; and

(*e*) all such records shall, at all reasonable times, be made available for inspection to the National Board or the National Registry or the State Board or to any other person authorised by the National Board in this behalf.

Duties of assisted reproductive technology clinics using human gametes and embryos.

24. While using human gametes and embryos, the duties to be performed by the clinics and banks shall be as under:—

(*a*) the clinics shall retrieve oocytes in such manner as may be specified by regulations;

(*b*) not more than three oocytes or embryos may be placed in the uterus of a woman during the treatment cycle in such manner as may be specified by regulations;

(*c*) a woman shall not be treated with gametes or embryos derived from more than one man or woman during any one treatment cycle;

(*d*) a clinic shall never mix semen from two individuals for the procedures specified under this Act;

(*e*) the embryos shall not be split and used for twinning to increase the number of available embryos;

(*f*) the collection of gametes posthumously shall be done only if prior consent of the commissioning couple is available in such manner as may be prescribed;

(*g*) the clinic shall not use ovum that are derived from a foetus, in any process of *in-vitro* fertilisation; and

(*h*) such other duties as may be prescribed.

Explanation.—For the purposes of this section, the expression—

(*i*) "fertilisation" means the penetration of the ovum by the spermatozoon and fusion of genetic materials resulting in the development of a zygote; and

(*ii*) "foetus" means a human organism during the period of its development beginning on the fifty-seventh day following fertilisation and ending at birth or abortion.

Pre-implantation Genetic Diagnosis.

25. (*1*) The Pre-implantation Genetic testing shall be used to screen the human embryo for known, pre-existing, heritable or genetic diseases only.

(*2*) The donation of an embryo after Pre-implantation Genetic Diagnosis to an approved research laboratory for research purposes shall be done only-—

(*a*) with the approval of the commissioning couple or woman; and

(*b*) when the embryo suffers from pre-existing, heritable, life-threatening or genetic diseases.

(*3*) The National Board may lay down such other conditions as it deems fit in the interests of the Pre-implantation Genetic testing.

Explanation.—For the purposes of this section, the expression—

(*i*) "Pre-implantation Genetic Diagnosis" means the genetic diagnosis when one or both genetic parents has a known genetic abnormality and testing is performed on an embryo to determine if it also carries a genetic abnormality; and

(*ii*) "Pre-implantation Genetic testing" means a technique used to identify genetic defects in embryos created through *in-vitro* fertilisation before pregnancy.

Sex selection.

26. (*1*) Subject to the provisions of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, the clinic shall not offer to provide a couple or woman with a child of a pre-determined sex. 57 of 1994.

(*2*) It is prohibited for anyone to do any act, at any stage, to determine the sex of the child to be born through the process of assisted reproductive technology to separate, or yield fractions enriched in sperm of X or Y variations.

(*3*) A person shall not knowingly provide, prescribe or administer anything that shall ensure or increase the probability that an embryo shall be of a particular sex, or that shall identify the sex of an *in-vitro* embryo, except to diagnose, prevent or treat a sex-linked disorder or disease.

Sourcing of gametes by assisted reproductive technology banks.

27. (*1*) The screening of gamete donors, the collection, screening and storage of semen; and provision of oocyte donor, shall be done only by a bank registered as an independent entity under the provisions of this Act.

(*2*) The banks shall—

(*a*) obtain semen from males between twenty-one years of age and fifty-five years of age, both inclusive;

(*b*) obtain oocytes from females between twenty-three years of age and thirty-five years of age; and

(*c*) examine the donors for such diseases, as may be prescribed.

(*3*) A bank shall not supply the sperm or oocyte of a single donor to more than one commissioning couple.

(*4*) An oocyte donor shall donate oocytes only once in her life and not more than seven oocyte shall be retrieved from the oocyte donor.

(*5*) All unused oocytes shall be preserved by the banks for use on the same recipient, or given for research to an organisation registered under this Act after seeking written consent from the commissioning couple.

(*6*) A bank shall obtain all necessary information in respect of a sperm or oocyte donor, including the name, Aadhaar number as defined in clause (*a*) of section 2 of the Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Act, 2016, address and any other details of such donor, in such manner as may be prescribed, and shall undertake in writing from such donor about the confidentiality of such information.

18 of 2016.

Explanation.—For the purposes of this section, the expressions—

(*i*) "retrieval" means a procedure of removing oocytes from the ovaries of a woman;

(*ii*) "screening" means the genetic test performed on embryos produced through *in-vitro* fertilisation.

Storage and handling of human gametes and embryos.

28. (*1*) The standards for the storage and handling of gametes, gonadal tissues and human embryos in respect of their security, recording and identification shall be such as may be prescribed.

(*2*) The gamete of a donor or embryo shall be stored for a period of not more than ten years and at the end of such period such gamete or embryo shall be allowed to perish or be donated to a research organisations registered under this Act for research purposes with the consent of the commissioning couple or individual, in such manner as may be prescribed.

Restriction on sale, etc., of human gametes, zygotes and embryos.

29. The sale, transfer or use of gametes, zygotes and embryos, or any part thereof or information related thereto, directly or indirectly to any party within or outside India shall be prohibited except in the case of transfer of own gametes and embryos for personal use with the permission of the National Board.

Explanation.—For the purposes of this section, the expression "zygote" means the fertilised oocyte prior to the first cell division.

Research on human gametes and embryos.

30. (*1*) The use of any human gametes and embryos or their transfer to any country outside India for research shall be absolutely prohibited.

(*2*) The research on human gamete or embryo within India shall be performed in such manner as may be prescribed.

Rights of child born through assisted reproductive technology.

31. (*1*) The child born through assisted reproductive technology shall be deemed to be a biological child of the commissioning couple and the said child shall be entitled to all the rights and privileges available to a natural child only from the commissioning couple under any law for the time being in force.

(*2*) A donor shall relinquish all parental rights over the child or children which may be born from his or her gamete.

CHAPTER V

OFFENCES AND PENALTIES

Sex selective assisted reproductive technology.

32. (*1*) The clinic, or bank or agent thereof, shall not issue, publish, distribute, communicate or cause to be issued, published, distributed or communicated any advertisement in any manner including internet, regarding facilities of sex selective assisted reproductive technology.

(*2*) Whoever contravenes the provisions of sub-section (*1*) shall be punishable with imprisonment for a term which shall not be less than five years but may extend to ten years or with fine which shall not be less than ten lakh rupees but may extend to twenty-five lakh rupees or with both.

Offences and penalties.

33. (*1*) Any medical geneticist, gynaecologist, registered medical practitioner or any person shall not—

(*a*) abandon, disown or exploit or cause to be abandoned, disowned or exploited in any form the child or children born through assisted reproductive technology;

(*b*) sell human embryos or gametes, run an agency, a racket or an organisation for selling, purchasing or trading in human embryos or gametes;

(*c*) import or help in getting imported in whatsoever manner, the human embryos or human gametes;

(*d*) exploit the commissioning couple, woman or the gamete donor in any form;

(*e*) transfer human embryo into a male person or an animal;

(*f*) sell any human embryo or gamete for the purpose of research; or

(*g*) use any intermediates to obtain gamete donors or purchase gamete donors.

(*2*) Whoever contravenes the provisions of clauses (*a*) to (*g*) of sub-section (*1*), shall be punishable with a fine which shall not be less than five lakh rupees but may extend to ten lakh rupees for the first contravention and for subsequent contravention, shall be punishable with imprisonment for a term which shall not be less than three years but may extend to eight years and with fine which shall not be less than ten lakh rupees but may extend to twenty lakh rupees.

Punishment for contravention of provisions of Act or rules for which no specific punishment is provided.

34. Whoever contravenes any of the provisions of this Act or any rules made thereunder, for which no penalty has been provided in this Act shall be punishable as per sub-section (*2*) of section 33.

Cognizance of offences.

35. (*1*) No court shall take cognizance of any offence punishable under this Act, save on a complaint made by the National Board or the State Board or by an officer authorised by it.

(*2*) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

Offences to be cognizable and bailable.

36. Notwithstanding anything contained in the Code of Crimincal Procedure, 1973, all the offences under this Act shall be cognizable and bailable. 2 of 1974.

Offences by clinics or banks.

37. (*1*) Where an offence under this Act has been committed by any clinic or bank, the executive head of such clinic or bank shall be deemed to be guilty of an offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section (*1*), where an offence under this Act has been committed by any clinic or bank and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any officer, other than the executive head of the clinic or bank, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

CHAPTER VI

MISCELLANEOUS

Power of Central Government to issue directions to National Board, National Registry and appropriate authority.

38. (*1*) The Central Government may, from time to time issue to the National Board, the National Registry and the appropriate authority with respect to the Union territory, such directions as it may think necessary in the interest of the sovereignty and integrity of India, security of the State, friendly relation with foreign States, public order, decency or morality.

(*2*) Without prejudice to the foregoing provisions of this Act, the National Board, the National Registry and the appropriate authority shall, in exercise of its powers or the performance of its functions under this Act, be bound by such directions on questions of policy as the Central Government or the State Government, as the case may be, may give in writing to it from time to time:

Provided that the National Board shall, as far as practicable, be given an opportunity to express its views before any direction is given under sub-section (*1*).

(*3*) If any dispute arises between the Central Government and the National Board as to whether a question is or is not a question of policy, the decision of the Central Government shall be final.

Power of State Government to issue directions to State Board, etc.

39. (*1*) The State Government may, from time to time issue to the State Board and to the appropriate authority with respect to the State Government such directions as it may think necessary in the interest of the sovereignty and integrity of India, security of the State, friendly relation with foreign States, public order, decency or morality.

(*2*) Without prejudice to the foregoing provisions of this Act, the State Board and the appropriate authority shall, in exercise of its powers or the performance of its functions under this Act, be bound by such directions on questions of policy as the State Government may give in writing to it from time to time:

Provided that the State Board and the appropriate authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under sub-section (*1*).

(*3*) If any dispute arises between the State Government and the State Board as to whether a question is or is not a question of policy, the decision of the State Government shall be final.

Power to search and seize records, etc.

40. (*1*) If the National Board, the National Registry or the State Board has reason to believe that an offence under this Act has been or is being committed at any facility using assisted reproductive technology, such Board or any officer authorised in this behalf may, subject to such rules as may be prescribed, enter and search at all reasonable times with such assistance, if any, as such Board or officer considers necessary, such facility using assisted reproductive technology and examine any record, register, document, book, pamphlet, advertisement or any other material object found therein and seize the same, if the said Board has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act.

2 of 1974.

(*2*) The provisions of the Code of Criminal Procedure, 1973, relating to searches and seizures shall, so far as may be, apply to every search or seizure made under this Act.

Protection of action taken in good faith.

41. No suit, prosecution or other legal proceeding shall lie against the Central Government or the State Government or the National Board or the National Registry or the State Board or the appropriate authority or any other officer authorised by the Central

Government or the State Government or the National Board or the National Registry or the State Board or the appropriate authority for anything which is done in good faith or intended to be done in pursuance of the provisions of this Act or the rules or regulations made thereunder.

Power to make rules.

42. (*1*) The Central Government may by notification make rules for carrying out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the other powers and functions of the National Board under clause (*g*) of section 5;

(*b*) the other powers and functions of the State Board under clause (*b*) of sub-section (*2*) of section 8;

(*c*) the terms of office and other conditions of service of scientific, technical and other employees of the National Registry under section 10;

(*d*) the other functions of the National Registry under clause (*d*) of section 11;

(*e*) the other functions of the appropriate authority under clause (*h*) of section 13;

(*f*) the other powers to be exercised by the appropriate authority under clause (*d*) of sub-section (*1*) of section 14;

(*g*) the format for granting of licences to the clinic or bank by the appropriate authority under sub-section (*2*) of section 14;

(*h*) the form and manner in which an application shall be made for registration and fee payable thereof under sub-section (*2*) of section 15;

(*i*) the facilities and equipments to be provided and maintained by the clinics and banks under sub-section (*4*) of section 15;

(*j*) the conditions, form and fee for application of renewal of the registration of clinic or bank under section 17;

(*k*) the manner in which an appeal may be preferred to the State Government or the Central Government under section 19;

(*l*) the criteria for availing the assisted reproductive technology procedures under clause (*a*) of section 21;

(*m*) the medical examination of the diseases with respect to which the donor shall be tested under clause (*b*) of section 21;

(*n*) the manner of making a complaint before a grievance cell and the mechanism adopted by the clinic under clause (*f*) of section 21;

(*o*) the manner of providing information by the clinics and banks to the National Registry under clause (*j*) of section 21;

(*p*) the amount of insurance coverage for oocyte donor under clause (*b*) of sub-section (*1*) of section 22;

(*q*) the manner of maintaining the records by the clinics and banks under clause (*a*) of section 23;

(*r*) the manner of collection of gametes posthumously under clause (*f*) of section 24;

(*s*) the other duties of clinics under clause (*h*) of section 24;

(*t*) the examination of the donors by the assisted reproductive technology banks for diseases under clause (*c*) of sub-section (*2*) of section 27;

(*u*) the manner of obtaining information in respect of a sperm or oocyte donor by a bank under sub-section (*6*) of section 27;

(*v*) the standards for the storage and handling of gametes, human embryos in respect of their security, recording and identification under sub-section (*1*) of section 28;

(*w*) the manner of obtaining the consent of the commissioning couple or individual for perishing or donating the gametes of a donor or embryo under sub-section (*2*) of section 28;

(*x*) the manner of performing research on human gametes or embryo within India under sub-section (*2*) of section 30;

(*y*) the manner of entry and search by the National Board, the National Registry or the State Board or any officer authorised by it under sub-section (*1*) of section 40;

(*z*) any other matter which is to be, or may be prescribed, or in respect of which provision is to be made by rules.

Power to make regulations.

43. (*1*) The National Board may, with the prior approval of the Central Government, by notification make regulations consistent with this Act and the rules made thereunder to carry out the provisions of the Act;

(*2*) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for—

(*a*) the manner of retrieving the oocytes under clause (*a*) of section 24;

(*b*) the manner of placing the oocytes or embryos in the uterus of a woman under clause (*b*) of section 24; and

(*c*) any other matter which is required to be, specified by regulations or in respect of which provision is to be made by regulations.

Laying of rules, regulations and notifications.

44. Every rule or regulation made and notification issued under this Act shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rules or regulations or notifications, as the case may be or both Houses agree that the rules or regulations or notifications, as the case may be, should not be made or issued, such rules or regulations or notifications, as the case may be, shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation or notification, as the case may be.

Application of other laws not barred.

45. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 and the Clinical Establishment (Registration and Regulation) Act, 2010 or of any other law for the time being in force.

57 of 1994.
23 of 2010.

Power to remove difficulties.

46. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of three years from the date of commencement of this Act.

(*2*) Every order made under this section shall, as soon as may be made, be laid before each House of Parliament.

———

DR. REETA VASISHTA,
Secretary to the Govt. of India.

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 20*th December,* 2021/*Agrahayana* 29, 1943 *(Saka)*

The following Act of Parliament received the assent of the President on the 18th December, 2021 and is hereby published for general information:—

THE NATIONAL INSTITUTE OF PHARMACEUTICAL EDUCATION AND RESEARCH (AMENDMENT) ACT, 2021

(No. 43 of 2021)

[18*th December,* 2021]

An Act further to amend the National Institute of Pharmaceutical Education and Research Act, 1998.

Be it enacted by Parliament in the Seventy-second year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. (*1*) This Act may be called the National Institute of Pharmaceutical Education and Research (Amendment) Act, 2021. Short title and commencement.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of long title.

2. In the National Institute of Pharmaceutical Education and Research Act, 1998 (hereinafter referred to as the principal Act), for the long title, the following long title shall be substituted, namely:— 13 of 1998.

"An Act to declare certain institutions of pharmaceutical education and research to be institutions of national importance and for matters connected therewith or incidental thereto.".

Amendment of section 1.

3. In section 1 of the principal Act, in sub-section (*1*), for the word "Institute", the word "Institutes" shall be substituted.

Substitution of new section for section 2.

4. For section 2 of the principal Act, the following section shall be substituted, namely:—

Declaration of certain institutions as institutions of national importance.

"2. (*1*) Whereas the objects of the institutions mentioned in the Schedule, are such as to make them institutions of national importance, it is hereby declared that each such Institute is an institution of national importance.

(*2*) It is hereby declared that every Institute established under sub-section (*2A*) of section 4, on and after the commencement of the National Institute of Pharmaceutical Education and Research (Amendment) Act, 2021, shall be an institution of national importance.".

Amendment of section 3.

5. In section 3 of the principal Act,—

(*i*) for clause (*a*), the following clause shall be substituted, namely:—

'(*a*) "appointed day", in relation to an Institute mentioned in column (3) of the Schedule, means the date of its establishment as mentioned against it in column (4) of that Schedule;';

(*ii*) in clauses (*b*) and (*c*), for the words "the Institute", the words "an Institute" shall be substituted;

(*iii*) after clause (*c*), the following clause shall be inserted, namely:—

'(*ca*) "Council" means the Council established under sub-section (*1*) of section 30A;';

(*iv*) in clauses (*d*), (*e*) and (*f*), for the words "the Institute", the words "an Institute" shall be substituted;

(*v*) for clause (*g*), the following clauses shall be substituted, namely:—

'(*g*) "Institute" means any of the institutions mentioned in column (3) of the Schedule;

(*ga*) "member" means a member of the Council nominated or elected under sub-section (*2*) of section 30A;

(*gb*) "prescribed" means prescribed by rules made under this Act;

(*gc*) "Schedule" means the Schedule to this Act;';

(*vi*) in clauses (*h*) and (*j*), for the words "the Institute", the words "an Institute" shall be substituted.

Amendment of section 4.

6. In section 4 of the principal Act,—

(*i*) in the marginal heading, for the words "Establishment of Institute", the words "Establishment and incorporation of Institutes" shall be substituted;

(*ii*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) Each of the Institutes mentioned in column (3) of the Schedule shall be a body corporate.";

(*iii*) in sub-section (*2*), for the words "The Institute", the words "Each Institute" shall be substituted;

(*iv*) for sub-section (*3*), the following sub-section shall be substituted, namely:—

"(*3*) The Board of Governors of an Institute shall consist of the following persons, namely:—

(*a*) a Chairperson, who shall be an eminent academician or scientist or technologist or professional, to be nominated by the Visitor;

(*b*) the Director of the institute, *ex officio*;

(*c*) the Joint Secretary to the Government of India in Department of Pharmaceuticals dealing with the national institutes of pharmaceutical education and research, *ex officio*;

(*d*) the Secretary, dealing with medical or technical education in the State Government concerned, *ex officio*;

(*e*) the representative of Drug Controller General of India, Ministry of Health and Family Welfare of the Government of India, *ex officio*;

(*f*) three eminent pharmaceutical experts, at least one of whom shall be a woman, having special knowledge or practical experience in education, research and biotechnology, to be nominated by the Council;

(*g*) two pharmaceutical industrialists to be nominated by the Council;

(*h*) two professors of the institute, to be nominated by the Senate:

Provided that one member from amongst members to be nominated under clauses (*f*), (*g*) and (*h*) shall be either from the Scheduled Castes or from the Scheduled Tribes;";

(*v*) in sub-section (*4*), the proviso shall be omitted.

Amendment of section 4A.

7. In section 4A of the principal Act, the words "within its jurisdiction" shall be omitted.

Omission of section 5.

8. Section 5 of the principal Act shall be omitted.

Amendment of section 6.

9. In section 6 of the principal Act,—

(*i*) for the words "On and from the appointed day", the words "On and from the appointed day, in relation to the National Institute of Pharmaceutical Education and Research, Mohali" shall be substituted;

(*ii*) after clause (*a*), the following clause shall be inserted, namely:—

"(*aa*) all property, movable and immovable of, or belonging to, the Society, shall vest in that Institute;";

(*iii*) for the words "the Institute", wherever they occur, the words "that Institute" shall be substituted.

Amendment of section 7.

10. In section 7 of the principal Act,—

(*a*) in the marginal heading, for the word "Institute", the word "Institutes" shall be substituted;

(*b*) for clause (*ii*), the following clauses shall be substituted, namely:—

"(*ii*) to develop courses leading to graduate and post graduate degrees, doctoral and post-doctoral distinctions and research in pharmaceutical education or to develop integrated courses relating thereto;

(*iia*) to conduct executive education courses, short-term certificate courses, training programmes, online or distant education, diploma courses and such other short-term executive courses;";

(*c*) in clause (*v*), for the words " by exchange of faculty members", the words "by promoting collaborative research, exchange of faculty members, researchers" shall be substituted;

(*d*) after clause (*x*), the following clause shall be inserted, namely:—

"(*xa*) to establish Centres of Excellence for drug discovery and development and medical devices;".

Amendment of section 8.

11. In section 8 of the principal Act, for the word "Board", wherever it occurs, the words "Board of an Institute" shall be substituted.

Amendment of section 9.

12. In section 9 of the principal Act,—

(*i*) in the marginal heading, for the word "Institute", the word "Institutes" shall be substituted;

(*ii*) in sub-section (*1*), for the words "The Institute", the words "Every Institute" shall be substituted;

(*iii*) in sub-section (*2*), for the words "the Institute", the words "any Institute" shall be substituted.

Amendment of section 10.

13. In section 10 of the principal Act,—

(*i*) in the marginal heading, for the word "Institute", the word "Institutes" shall be substituted;

(*ii*) for the words "the Institute", the words "each of the Institutes" shall be substituted.

Amendment of section 11.

14. In section 11 of the principal Act,—

(*i*) in sub-section (*1*), for the words "the Institute", the words "every Institute" shall be substituted;

(*ii*) in sub-section (*2*), for the words "the Institute", the words "any Institute" shall be substituted.

Amendment of section 12.

15. In section 12 of the principal Act,—

(*i*) in the marginal heading, for the word "Institute", the word "Institutes" shall be substituted;

(*ii*) in the opening portion, for the words "the Institute", the words "an Institute" shall be substituted.

Amendment of section 13.

16. In section 13 of the principal Act, in the opening portion, for the words "the Institute", the words "each Institute" shall be substituted.

Amendment of section 14.

17. In section 14 of the principal Act, for the words "senate of the Institute", the words "senate of each Institute" shall be substituted.

Amendment of section 16.

18. In section 16 of the principal Act, in sub-section (*1*), for the words "Director of the Institute shall be appointed by the Board" the words "Director of each Institute shall be appointed by the Council" shall be substituted.

Amendment of section 17.

19. In section 17 of the principal Act, for the words "the Institute", the words "each Institute" shall be substituted.

Amendment of section 18.

20. In section 18 of the principal Act, for the words "Registrar of the Institute", the words "Registrar of each Institute" shall be substituted.

Amendment of section 20.

21. In section 20 of the principal Act,—

(*i*) for the words "enabling the Institute", the words "enabling the Institutes" shall be substituted;

(*ii*) for the words "pay to the Institute", the words "pay to each Institute" shall be substituted.

Amendment of section 21.

22. In section 21 of the principal Act,—

(*i*) in the marginal heading, for the word "Institute", the word "Institutes" shall be substituted;

(*ii*) in sub-section (*1*), for the words "The Institute shall", the words "Every Institute shall" shall be substituted.

Amendment of section 22.

23. In section 22 of the principal Act, for the words "the Institute", the words "every Institute" shall be substituted.

Amendment of section 23.

24. In section 23 of the principal Act,—

(*i*) in sub-section (*1*), for the words "The Institute", the words "Every Institute" shall be substituted;

(*ii*) in sub-section (*2*), for the words "the Institute", the words "every Institute" shall be substituted;

(*iii*) in sub-section (*3*), for the words "accounts of the Institute", the words "accounts of any Institute" shall be substituted;

(*iv*) in sub-section (*4*), for the words "the Institute", the words "every Institute" shall be substituted.

Amendment of section 24.

25. In section 24 of the principal Act, in sub-section (*1*), for the words "The Institute", the words "Every Institute" shall be substituted.

Amendment of section 25.

26. In section 25 of the principal Act, for the words "the Institute", the words "an Institute" shall be substituted.

Amendment of section 27.

27. In section 27 of the principal Act, in sub-section (*1*), for the words "the Institute", the words "every Institute" shall be substituted.

Amendment of section 28.

28. In section 28 of the principal Act, for the words "Ordinances of the Institute", the words "Ordinances of each Institute" shall be substituted.

Insertion of new Chapter II-A.

29. After Chapter II of the principal Act, the following Chapter shall be inserted, namely:—

"CHAPTER II-A

THE COUNCIL

Establishment of Council.

30A. (*1*) With effect from such date as the Central Government may, by notification in the Official Gazette, specify in this behalf, there shall be established for all the Institutes specified in column (3) of the Schedule, a central body to be called the Council.

(*2*) The Council shall consist of the following members, namely:—

(*a*) Minister in charge of the Ministry or Department of the Central Government having administrative control of the Pharmaceuticals, *ex officio*, as Chairperson;

(*b*) Minister of State in the Ministry or Department of the Central Government having administrative control of the Pharmaceuticals, *ex officio,* as Vice-Chairperson;

(*c*) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of the Pharmaceuticals, *ex officio;*

(*d*) the Chairperson of every Board of Governors*, ex officio;*

(*e*) the Director of every Institute, *ex officio*;

(*f*) the Chairperson, All India Council for Technical Education, *ex officio*;

(*g*) the Director General, Council of Scientific and Industrial Research, *ex officio*;

(*h*) four Secretaries to the Government of India, to represent the Ministries or Departments of the Central Government dealing with Biotechnology, Health Research, Higher Education and Science and Technology, *ex officio;*

(*i*) not less than three, but not more than five persons to be nominated by the Visitor, at least one of whom shall be a woman, having special knowledge or practical experience in education, pharmaceutical industry, medical devices industry or pharmaceutical research;

(*j*) three members of Parliament of whom two shall be elected by the House of the People and one by the Council of States, from amongst its members;

(*k*) the President, Indian Drugs Manufacturing Association, *ex officio*;

(*l*) the President, Organisation of Pharmaceutical Producers of India, *ex officio*;

(*m*) the President, Pharmacy Council of India, *ex officio*;

(*n*) the Financial Advisor of the Ministry or Department of the Central Government dealing with Pharmaceuticals, *ex officio*;

(*o*) the Joint Secretary to the Government of India in the Ministry or Department of the Central Government having administrative control of the Pharmaceuticals, *ex officio,* as Member-Secretary.

(*3*) It is hereby declared that the office of a member of the Council shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

Term of office of, vacancies among, and allowances payable to, members of Council.

30B. (*1*) Save as otherwise provided in this section, the term of office of a member of the Council shall be three years from the date of his nomination or election, as the case may be.

(*2*) The term of office of an *ex officio* member shall continue so long as he holds the office by virtue of which he is a member.

(*3*) The term of office of a member elected under clause (*j*) of sub-section (*2*) of section 30A shall come to an end as soon as he becomes a Minister or Minister of State or Deputy Minister, or the Speaker or the Deputy Speaker of the House of the People, or the Deputy Chairperson of the Council of States or ceases to be a member of the House which elected him.

(*4*) The term of office of a member nominated or elected to fill a casual vacancy shall continue for the remainder of the term of the member in whose place he has been nominated or elected.

(*5*) Notwithstanding anything contained in this section an outgoing member shall, unless the Central Government otherwise directs, continue in office until another person is nominated or elected as a member in his place.

(*6*) The members of the Council shall be paid such travelling and other allowances by the Central Government as may be determined by that Government, but no member shall be entitled to any salary by reason of this sub-section.

Functions of Council.

30C. (*1*) It shall be the general duty of the Council to coordinate the activities of all the Institutes and to take all such steps as to ensure planned and coordinated development of pharmaceutical education and research and maintenance of standards thereof.

(*2*) Without prejudice to the provisions of sub-section (*1*), the Council shall perform the following functions, namely:—

(*a*) to advise on matters relating to the duration of the courses, the degrees and other academic distinctions to be conferred by the Institutes, admission standards and other academic matters;

(*b*) to lay down policy regarding cadres, methods of recruitment and conditions of service of employees, institution of scholarships and free-ships, levying of fees and other matters of common interest;

(*c*) to examine the development plans of each Institute and to approve such of them as are considered necessary and also to indicate broadly the financial implications of such approved plans;

(*d*) to lay down policy or guidelines for promoting research and development in pharmaceuticals and related areas, fostering collaboration and overseeing developments and on matters incidental thereto;

(*e*) to examine the annual budget estimates of each Institute and to recommend to the Central Government the allocation of funds for that purpose;

(*f*) to advise the Visitor, if so required, in respect of any function to be performed by him under this Act; and

(*g*) to perform such other functions as are assigned to it by or under this Act.

(*3*) The Council shall meet at least once every six months and follow such procedure in its meetings as may be prescribed.

Chairman of Council.

30D. (*1*) The Chairperson of the Council shall ordinarily preside at the meetings of the Council:

Provided that in the absence of the Chairperson, the Vice-Chairperson shall preside at the meetings of the Council:

Provided further that in the absence of both the Chairperson and the Vice-Chairperson, any other member, chosen from amongst themselves by the members present at the meeting shall preside at that meeting.

(*2*) It shall be the duty of the Chairperson of the Council to ensure that the decisions taken by the Council are implemented.

(*3*) The Chairman shall exercise such other powers and perform such other duties as are assigned to him by this Act.

Power to make rules in respect of matters in this Chapter.

30E. (*1*) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Chapter.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the manner of filling vacancies among the members of the Council;

(*b*) the disqualifications for being chosen as, and for being, a member of the Council;

(*c*) the circumstances in which, and the authority by which, members may be removed;

(*d*) the meetings of the Council and the procedure of conducting business thereat;

(*e*) the travelling and other allowances payable to members of the Council; and

(*f*) the functions of the Council and the manner in which such functions may be exercised.

(*3*) Every rule made by the Central Government under this Chapter shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.".

Amendment of section 31.

30. In section 31 of the principal Act, for the words "No act of the Institute", the words "No act of the Council or any Institute" shall be substituted.

Amendment of section 32.

31. In section 32 of the principal Act,—

(*i*) in the marginal heading, for the word "Institute", the word "Institutes" shall be substituted;

(*ii*) for the words "the Institute", the words "every Institute" shall be substituted.

Amendment of section 33.

32. In section 33 of the principal Act, for the words "Whenever the Institute", the words "Whenever an Institute" shall be substituted.

Insertion of new section 33A.

33. After section 33 of the principal Act, the following section shall be inserted, namely:—

Power of Central Government to issue directions.

"33A. The Institute shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.".

Amendment of section 35.

34. In section 35 of the principal Act, for clause (*b*), the following clause shall be substituted, namely:—

"(*b*) until the first Statutes and the Ordinances in relation to the Institutes mentioned in column (3) of the Schedule are made under this Act, the Statutes and the Ordinances of the National Institute of Pharmaceutical Education and Research, Sector-67, S.A.S. Nagar (Mohali), District Ropar, Punjab as in force, shall apply to those Institutes with the necessary modifications and adaptations in so far as they are not inconsistent with the provisions of this Act.".

THE SCHEDULE

[*See* sections 2(*1*), 3(*a*), (*g*), (*gc*), 4(*1*), 30A(*1*) and 35(*b*)]

Sl. No.	Location of	Name of institutions incorporated under this Act institute and the State	Date of establishment of Institute
(*1*)	(*2*)	(*3*)	(*4*)
1.	Mohali, Punjab	The National Institute of Pharmaceutical Education and Research Society, Mohali	8th July, 1998
2.	Ahmedabad, Gujarat	The National Institute of Pharmaceutical Education and Research, Ahmedabad	6th September, 2007
3.	Hajipur, Bihar	The National Institute of Pharmaceutical Education and Research, Hajipur	6th September, 2007
4.	Hyderabad, Telengana	The National Institute of Pharmaceutical Education and Research, Hyderabad	6th September, 2007
5.	Kolkata, West Bengal	The National Institute of Pharmaceutical Education and Research, Kolkata	6th September, 2007
6.	Guwahati, Assam	The National Institute of Pharmaceutical Education and Research, Guwahati	5th August, 2008
7.	Raebareli, Uttar Pradesh	The National Institute of Pharmaceutical Education and Research, Raebareli	26th September, 2008

DR. REETA VASISHTA,
Secretary to the Govt. of India.

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MGIPMRND—1655GI(S3)—20-12-2021.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-34

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 51 ಕೇಶಾಪ್ರ 2021 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 01.04.2022.

ದಿನಾಂಕ: 20.12.2021 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE HIGH COURT AND SUPREME COURT JUDGES (SALARIES ANDCONDITIONS OF SERVICE) AMENDMENT ACT, 2021(NO. 44 OF 2021) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

रजिस्ट्री सं॰ डी॰ एल॰—(एन)04/0007/2003—21 REGISTERED NO. DL—(N)04/0007/2003—21

भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-21122021-232026
CG-DL-E-21122021-232026

असाधारण
EXTRAORDINARY
भाग II — खण्ड 1
PART II — Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं॰ 61] नई दिल्ली, सोमवार, दिसम्बर 20, 2021/अग्रहायण 29, 1943 (शक)
No. 61] NEW DELHI, MONDAY, DECEMBER 20, 2021/AGRAHAYANA 29, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 20*th December,* 2021/*Agrahayana* 29, 1943 *(Saka)*

The following Act of Parliament received the assent of the President on the 18th December, 2021 and is hereby published for general information:—

THE HIGH COURT AND SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) AMENDMENT ACT, 2021

(No. 44 of 2021)

[18*th December,* 2021]

An Act further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958.

Be it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. This Act may be called the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2021. Short title.

CHAPTER II

AMENDMENT TO THE HIGH COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) ACT, 1954

Amendment of section 17B.

2. In section 17B of the High Court Judges (Salaries and Conditions of Service) Act, 1954, the following *Explanation* shall be inserted, namely:— 28 of 1954.

"*Explanation.*—For the removal of doubts, it is hereby clarified that any entitlement for additional quantum of pension or family pension shall be, and shall be deemed always to have been, from the first day of the month in which the pensioner or family pensioner completes the age specified in the first column of the scale.".

CHAPTER III

AMENDMENT TO THE SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) ACT, 1958

Amendment of section 16B.

3. In section 16B of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, the following *Explanation* shall be inserted, namely:— 41 of 1958.

"Explanation.—For the removal of doubts, it is hereby clarified that any entitlement for additional quantum of pension or family pension shall be, and shall be deemed always to have been, from the first day of the month in which the pensioner or family pensioner completes the age specified in the first column of the scale.".

———

DR. REETA VASISHTA,
Secretary to the Govt. of India.

UPLOADED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI–110002
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ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
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ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-35

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 52 ಕೇಶಾಪ್ರ 2021 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 01.04.2022.

ದಿನಾಂಕ: 20.12.2021 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-1 ರಲ್ಲಿ THE CENTRAL VIGILANCE COMMISSION (AMENDMENT) ACT, 2021 (NO. 46 OF 2021) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

रजिस्ट्री सं॰ डी॰ एल॰—(एन)04/0007/2003—21 REGISTERED NO. DL—(N)04/0007/2003—21

भारत का राजपत्र
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असाधारण
EXTRAORDINARY
भाग II — खण्ड 1
PART II — Section 1
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PUBLISHED BY AUTHORITY

सं॰ 63] नई दिल्ली, सोमवार, दिसम्बर 20, 2021/अग्रहायण 29, 1943 (शक)
No. 63] NEW DELHI, MONDAY, DECEMBER 20, 2021/AGRAHAYANA 29, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 20*th December,* 2021/*Agrahayana* 29, 1943 (*Saka*)

The following Act of Parliament received the assent of the President on the 18th December, 2021 and is hereby published for general information:—

THE CENTRAL VIGILANCE COMMISSION (AMENDMENT) ACT, 2021

(No. 46 of 2021)

[18*th December*, 2021.]

An Act further to amend the Central Vigilance Commission Act, 2003.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Central Vigilance Commission (Amendment) Act, 2021.

(*2*) It shall be deemed to have come into force on the 14th day of November, 2021.

Amendment of section 25.

45 of 2003.

2. In section 25 of the Central Vigilance Commission Act, 2003, in clause (*d*), the following provisos shall be inserted, namely:—

"Provided that the period for which the Director of Enforcement holds the office on his initial appointment may, in public interest, on the recommendation of the Committee under clause (*a*) and for the reasons to be recorded in writing, be extended up to one year at a time:

Provided further that no such extension shall be granted after the completion of a period of five years in total including the period mentioned in the initial appointment;".

Repeal and savings.

3. (*1*) The Central Vigilance Commission (Amendment) Ordinance, 2021 is hereby repealed. Ord. 9 of 2021.

(*2*) Notwithstanding such repeal, anything done or any action taken under the Central Vigilance Commission (Amendment) Ordinance, 2021, shall be deemed to have been done or taken under the provisions of this Act. Ord. 9 of 2021.

DR. REETA VASISHTA,
Secretary to the Govt. of India.

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MGIPMRND—1658GI(S3)—20-12-2021.

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ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
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ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-36

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 53 ಕೇಶಾಪ್ರ 2021 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 01.04.2022.

ದಿನಾಂಕ: 25.12.2021 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-1 ರಲ್ಲಿ THE SURROGACY (REGULATION) ACT, 2021 (NO. 47 OF 2021) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

रजिस्ट्री सं॰ डी॰ एल॰—(एन)04/0007/2003—21 REGISTERED NO. DL—(N)04/0007/2003—21

भारत का राजपत्र
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असाधारण
EXTRAORDINARY
भाग II — खण्ड 1
PART II — Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं॰ 64] नई दिल्ली, शनिवार, दिसम्बर 25, 2021/पौष 4, 1943 (शक)
No. 64] NEW DELHI, SATURDAY, DECEMBER 25, 2021/PAUSA 4, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 25*th December,* 2021/*Pausa* 4, 1943 (*Saka*)

The following Act of Parliament received the assent of the President on the 25th December, 2021 and is hereby published for general information:—

THE SURROGACY (REGULATION) ACT, 2021

(No. 47 of 2021)

[25*th December*, 2021.]

An Act to constitute National Assisted Reproductive Technology and Surrogacy Board, State Assisted Reproductive Technology and Surrogacy Boards and appointment of appropriate authorities for regulation of the practice and process of surrogacy and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I
Preliminary

Short title and commencement.

1. (*1*) This Act may be called the Surrogacy (Regulation) Act, 2021.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. (*1*) In this Act, unless the context otherwise requires,—

(*a*) "abandoned child" means a child born out of surrogacy procedure who has been deserted by his intending parents or guardians and declared as abandoned by the appropriate authority after due enquiry;

(*b*) "altruistic surrogacy" means the surrogacy in which no charges, expenses, fees, remuneration or monetary incentive of whatever nature, except the medical expenses and such other prescribed expenses incurred on surrogate mother and the insurance coverage for the surrogate mother, are given to the surrogate mother or her dependents or her representative;

(*c*) "appropriate authority" means the appropriate authority appointed under section 35;

(*d*) "Assisted Reproductive Technology Act" means the Assisted Reproductive Technology (Regulation) Act, 2021;

(*e*) "Board" means the National Assisted Reproductive Technology and Surrogacy Board constituted under section 17;

(*f*) "clinical establishment" shall have the same meaning as assigned to it in the Clinical Establishments (Registration and Regulation) Act, 2010; 23 of 2010.

(*g*) "commercial surrogacy" means commercialisation of surrogacy services or procedures or its component services or component procedures including selling or buying of human embryo or trading in the sale or purchase of human embryo or gametes or selling or buying or trading the services of surrogate motherhood by way of giving payment, reward, benefit, fees, remuneration or monetary incentive in cash or kind, to the surrogate mother or her dependents or her representative, except the medical expenses and such other prescribed expenses incurred on the surrogate mother and the insurance coverage for the surrogate mother;

(*h*) "couple" means the legally married Indian man and woman above the age of 21 years and 18 years respectively;

(*i*) "egg" includes the female gamete;

(*j*) "embryo" means a developing or developed organism after fertilisation till the end of fifty-six days;

(*k*) "embryologist" means a person who possesses any post-graduate medical qualification or doctoral degree in the field of embryology or clinical embryology from a recognised university with not less than two years of clinical experience;

(*l*) "fertilisation" means the penetration of the ovum by the spermatozoan and fusion of genetic materials resulting in the development of a zygote;

(*m*) "foetus" means a human organism during the period of its development beginning on the fifty-seventh day following fertilisation or creation (excluding any time in which its development has been suspended) and ending at the birth;

(*n*) "gamete" means sperm and oocyte;

(*o*) "gynaecologist" shall have the same meaning as assigned to it in the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994; 57 of 1994.

(*p*) "implantation" means the attachment and subsequent penetration by the zona-free blastocyst, which starts five to seven days following fertilisation;

(*q*) "insurance" means an arrangement by which a company, individual or intending couple undertake to provide a guarantee of compensation for medical expenses, health issues, specified loss, damage, illness or death of surrogate mother and such other prescribed expenses incurred on such surrogate mother during the process of surrogacy;

(*r*) "intending couple" means a couple who have a medical indication necessitating gestational surrogacy and who intend to become parents through surrogacy;

(*s*) "intending woman" means an Indian woman who is a widow or divorcee between the age of 35 to 45 years and who intends to avail the surrogacy;

(*t*) "Member" means a Member of the National Assisted Reproductive Technology and Surrogacy Board or a State Assisted Reproductive Technology and Surrogacy Board, as the case may be;

(*u*) "notification" means a notification published in the Official Gazette;

(*v*) "oocyte" means naturally ovulating oocyte in the female genetic tract;

(*w*) "Paediatrician" means a person who possesses a post-graduate qualification in paediatrics as recognised under the Indian Medical Council Act, 1956; 102 of 1956.

(*x*) "prescribed" means prescribed by rules made under this Act;

(*y*) "registered medical practitioner" means a medical practitioner who possesses any recognised medical qualification as defined in clause (*h*) of section 2 of the Indian Medical Council Act, 1956 and whose name has been entered in a State Medical Register; 102 of 1956.

(*z*) "regulation" means regulations made by the Board under this Act;

(*za*) "sex selection" shall have the same meaning as assigned to it in clause (*o*) of section 2 of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994; 57 of 1994.

(*zb*) "State Board" means the State Assisted Reproductive Technology and Surrogacy Board constituted under section 26;

(*zc*) "State Government" in relation to Union territory with Legislature, means the Administrator of the Union territory appointed by the President under article 239 of the Constitution;

(*zd*) "surrogacy" means a practice whereby one woman bears and gives birth to a child for an intending couple with the intention of handing over such child to the intending couple after the birth;

(*ze*) "surrogacy clinic" means surrogacy clinic, centre or laboratory, conducting assisted reproductive technology services, invitro fertilisation services, genetic counselling centre, genetic laboratory, Assisted Reproductive Technology Banks conducting surrogacy procedure or any clinical establishment, by whatsoever name called, conducting surrogacy procedures in any form;

(*zf*) "surrogacy procedures" means all gynaecological, obstetrical or medical procedures, techniques, tests, practices or services involving handling of human gametes and human embryo in surrogacy;

(*zg*) "surrogate mother" means a woman who agrees to bear a child (who is genetically related to the intending couple or intending woman) through surrogacy from the implantation of embryo in her womb and fulfils the conditions as provided in sub-clause (*b*) of clause (*iii*) of section 4;

(*zh*) "zygote" means the fertilised oocyte prior to the first cell division.

(*2*) Words and expressions used herein and not defined in this Act but defined in the Assisted Reproductive Technology Act shall have the meanings respectively assigned to them in that Act.

CHAPTER II

REGULATION OF SURROGACY CLINICS

Prohibition and regulation of surrogacy clinics.

3. On and from the date of commencement of this Act,—

(*i*) no surrogacy clinic, unless registered under this Act, shall conduct or associate with, or help in any manner, in conducting activities relating to surrogacy and surrogacy procedures;

(*ii*) no surrogacy clinic, paediatrician, gynaecologist, embryologist, registered medical practitioner or any person shall conduct, offer, undertake, promote or associate with or avail of commercial surrogacy in any form;

(*iii*) no surrogacy clinic shall employ or cause to be employed or take services of any person, whether on honorary basis or on payment, who does not possess such qualifications as may be prescribed;

(*iv*) no registered medical practitioner, gynaecologist, paediatrician, embryologist or any other person shall conduct or cause to be conducted or aid in conducting by himself or through any other person surrogacy or surrogacy procedures at a place other than a place registered under this Act;

(*v*) no surrogacy clinic, registered medical practitioner, gynaecologist, paediatrician, embryologist or any other person shall promote, publish, canvass, propagate or advertise or cause to be promoted, published, canvassed, propagated or advertised which—

(*a*) is aimed at inducing or is likely to induce a woman to act as a surrogate mother;

(*b*) is aimed at promoting a surrogacy clinic for commercial surrogacy or promoting commercial surrogacy in general;

(*c*) seeks or aimed at seeking a woman to act as a surrogate mother;

(*d*) states or implies that a woman is willing to become a surrogate mother; or

(*e*) advertises commercial surrogacy in print or electronic media or in any other form;

(*vi*) no surrogacy clinic, registered medical practitioner, gynaecologist, paediatrician, embryologist, intending couple or any other person shall conduct or cause abortion during the period of surrogacy without the written consent of the surrogate mother and on authorisation of the same by the appropriate authority concerned:

Provided that the authorisation of the appropriate authority shall be subject to, and in compliance with, the provisions of the Medical Termination of Pregnancy Act, 1971; 34 of 1971.

(*vii*) no surrogacy clinic, registered medical practitioner, gynaecologist, paediatrician, embryologist, intending couple or any other person shall store a human embryo or gamete for the purpose of surrogacy:

Provided that nothing contained in this clause shall affect such storage for other legal purposes like sperm banks, IVF and medical research for such period and in such manner as may be prescribed;

(*viii*) no surrogacy clinic, registered medical practitioner, gynaecologist, paediatrician, embryologist, intending couple or any other person shall in any form conduct or cause to be conducted sex selection for surrogacy.

CHAPTER III

REGULATION OF SURROGACY AND SURROGACY PROCEDURES

Regulation of surrogacy and surrogacy procedures.

4. On and from the date of commencement of this Act,—

(*i*) no place including a surrogacy clinic shall be used or cause to be used by any person for conducting surrogacy or surrogacy procedures, except for the purposes specified in clause (*ii*) and after satisfying all the conditions specified in clause (*iii*);

(*ii*) no surrogacy or surrogacy procedures shall be conducted, undertaken, performed or availed of, except for the following purposes, namely:—

(*a*) when an intending couple has a medical indication necessitating gestational surrogacy:

Provided that a couple of Indian origin or an intending woman who intends to avail surrogacy, shall obtain a certificate of recommendation from the Board on an application made by the said persons in such form and manner as may be prescribed.

Explanation.—For the purposes of this sub-clause and item (*I*) of sub-clause (*a*) of clause (*iii*) the expression "gestational surrogacy" means a practice whereby a surrogate mother carries a child for the intending couple through implantation of embryo in her womb and the child is not genetically related to the surrogate mother;

(*b*) when it is only for altruistic surrogacy purposes;

(*c*) when it is not for commercial purposes or for commercialisation of surrogacy or surrogacy procedures;

(*d*) when it is not for producing children for sale, prostitution or any other form of exploitation; and

(*e*) any other condition or disease as may be specified by regulations made by the Board;

(*iii*) no surrogacy or surrogacy procedures shall be conducted, undertaken, performed or initiated, unless the Director or in-charge of the surrogacy clinic and the person qualified to do so are satisfied, for reasons to be recorded in writing, that the following conditions have been fulfilled, namely:—

(*a*) the intending couple is in possession of a certificate of essentiality issued by the appropriate authority, after satisfying itself, for the reasons to be recorded in writing, about the fulfilment of the following conditions, namely:—

(*I*) a certificate of a medical indication in favour of either or both members of the intending couple or intending woman necessitating gestational surrogacy from a District Medical Board.

Explanation.—For the purposes of this item, the expression "District Medical Board" means a medical board under the Chairpersonship of Chief Medical Officer or Chief Civil Surgeon or Joint Director of Health Services of the district and comprising of at least two other specialists, namely, the chief gynaecologist or obstetrician and chief paediatrician of the district;

(*II*) an order concerning the parentage and custody of the child to be born through surrogacy, has been passed by a court of the Magistrate

of the first class or above on an application made by the intending couple or the intending woman and the surrogate mother, which shall be the birth affidavit after the surrogate child is born; and

(*III*) an insurance coverage of such amount and in such manner as may be prescribed in favour of the surrogate mother for a period of thirty-six months covering postpartum delivery complications from an insurance company or an agent recognised by the Insurance Regulatory and Development Authority established under the Insurance Regulatory and Development Authority Act, 1999; 41 of 1999.

(*b*) the surrogate mother is in possession of an eligibility certificate issued by the appropriate authority on fulfilment of the following conditions, namely:—

(*I*) no woman, other than an ever married woman having a child of her own and between the age of 25 to 35 years on the day of implantation, shall be a surrogate mother or help in surrogacy by donating her egg or oocyte or otherwise;

(*II*) a willing woman shall act as a surrogate mother and be permitted to undergo surrogacy procedures as per the provisions of this Act:

Provided that the intending couple or the intending woman shall approach the appropriate authority with a willing woman who agrees to act as a surrogate mother;

(*III*) no woman shall act as a surrogate mother by providing her own gametes;

(*IV*) no woman shall act as a surrogate mother more than once in her lifetime:

Provided that the number of attempts for surrogacy procedures on the surrogate mother shall be such as may be prescribed; and

(*V*) a certificate of medical and psychological fitness for surrogacy and surrogacy procedures from a registered medical practitioner;

(*c*) an eligibility certificate for intending couple is issued separately by the appropriate authority on fulfilment of the following conditions, namely:—

(*I*) the intending couple are married and between the age of 23 to 50 years in case of female and between 26 to 55 years in case of male on the day of certification;

(*II*) the intending couple have not had any surviving child biologically or through adoption or through surrogacy earlier:

Provided that nothing contained in this item shall affect the intending couple who have a child and who is mentally or physically challenged or suffers from life threatening disorder or fatal illness with no permanent cure and approved by the appropriate authority with due medical certificate from a District Medical Board; and

(*III*) such other conditions as may be specified by the regulations.

Prohibition of conducting surrogacy.

5. No person including a relative or husband of a surrogate mother or intending couple or intending woman shall seek or encourage to conduct any surrogacy or surrogacy procedures on her except for the purpose specified in clause (*ii*) of section 4.

Written informed consent of surrogate mother.

6. (*1*) No person shall seek or conduct surrogacy procedures unless he has—

(*i*) explained all known side effects and after effects of such procedures to the surrogate mother concerned; and

(*ii*) obtained in the prescribed form, the written informed consent of the surrogate mother to undergo such procedures in the language she understands.

(*2*) Notwithstanding anything contained in sub-section (*1*), the surrogate mother shall have an option to withdraw her consent for surrogacy before the implantation of human embryo in her womb.

Prohibition to abandon child born through surrogacy.

7. The intending couple or intending woman shall not abandon the child, born out of a surrogacy procedure, whether within India or outside, for any reason whatsoever, including but not restricted to, any genetic defect, birth defect, any other medical condition, the defects developing subsequently, sex of the child or conception of more than one baby and the like.

Rights of surrogate child.

8. A child born out of surrogacy procedure, shall be deemed to be a biological child of the intending couple or intending woman and the said child shall be entitled to all the rights and privileges available to a natural child under any law for time being in force.

Number of oocytes or human embryos to be implanted.

9. The number of oocytes or human embryos to be implanted in the uterus of the surrogate mother for the purpose of surrogacy, shall be such as may be prescribed.

Prohibition of abortion.

10. No person, organisation, surrogacy clinic, laboratory or clinical establishment of any kind shall force the surrogate mother to abort at any stage of surrogacy except in such conditions as may be prescribed.

CHAPTER IV

REGISTRATION OF SURROGACY CLINICS

Registration of surrogacy clinics.

11. (*1*) No person shall establish any surrogacy clinic for undertaking surrogacy or to render surrogacy procedures in any form unless such clinic is duly registered under this Act.

(*2*) Every application for registration under sub-section (*1*) shall be made to the appropriate authority in such form, manner and shall be accompanied by such fees as may be prescribed.

(*3*) Every surrogacy clinic which is conducting surrogacy or surrogacy procedures, partly or exclusively, referred to in clause (*ii*) of section 4 shall, within a period of sixty days from the date of appointment of appropriate authority, apply for registration:

Provided that such clinic shall cease to conduct any such counselling or procedures on the expiry of six months from the date of commencement of this Act, unless such clinic has applied for registration and is so registered separately or till such application is disposed of, whichever is earlier.

(*4*) No surrogacy clinic shall be registered under this Act, unless the appropriate authority is satisfied that such clinic is in a position to provide such facilities and maintain such equipment and standards including specialised manpower, physical infrastructure and diagnostic facilities as may be prescribed.

Certificate of registration.

12. (*1*) The appropriate authority shall after holding an enquiry and after satisfying itself that the applicant has complied with all the requirements of this Act and the rules and regulations made thereunder, grant a certificate of registration to the surrogacy clinic, within a period of ninety days from the date of application received by it, in such form, on payment of such fees and in such manner, as may be prescribed.

(*2*) Where, after the inquiry and after giving an opportunity of being heard to the applicant, the appropriate authority is satisfied that the applicant has not complied with the requirements of this Act or the rules or regulations made thereunder, it shall, for reasons to be recorded in writing, reject the application for registration.

(*3*) Every certificate of registration shall be valid for a period of three years and shall be renewed in such manner and on payment of such fees as may be prescribed.

(*4*) The certificate of registration shall be displayed by the surrogacy clinic at a conspicuous place.

Cancellation or suspension of registration.

13. (*1*) The appropriate authority may, *suo motu* or on receipt of a complaint, issue a notice to the surrogacy clinic to show cause as to why its registration should not be suspended or cancelled for the reasons mentioned in the notice.

(*2*) If after giving a reasonable opportunity of being heard to the surrogacy clinic, the appropriate authority is satisfied that there has been a breach of the provisions of the Act or the rules or regulations made thereunder, it may, without prejudice to any criminal action that it may take against such clinic, suspend its registration for such period as it may think fit or cancel its registration, as the case may be.

(*3*) Notwithstanding anything contained in sub-sections (*1*) and (*2*), if the appropriate authority is of the opinion that it is necessary or expedient to do so in the public interest, it may, for reasons to be recorded in writing, suspend the registration of any surrogacy clinic without issuing any notice under sub-section (*1*).

Appeal.

14. The surrogacy clinic or the intending couple or the intending woman may, within a period of thirty days from the date of receipt of the communication relating to order of rejection of application, suspension or cancellation of registration passed by the appropriate authority under section 13 and communication relating to rejection of the certificates under section 4, prefer an appeal against such order to—

(*a*) the State Government, where the appeal is against the order of the appropriate authority of a State;

(*b*) the Central Government, where the appeal is against the order of the appropriate authority of a Union territory,

in such manner as may be prescribed.

Establishment of National Assisted Reproductive Technology and Surrogacy Registry.

15. There shall be established a Registry to be called the National Assisted Reproductive Technology and Surrogacy Registry for the purposes of registration of surrogacy clinics under this Act.

Application of provisions of Assisted Reproductive Technology Act with respect to National Registry.

16. The National Assisted Reproductive Technology and Surrogacy Registry referred to in section 15 and to be established under section 9 of the Assisted Reproductive Technology Act shall be the National Registry for the purposes of this Act and the functions to be discharged by the said Registry under the Assisted Reproductive Technology Act shall, *mutatis mutandis,* apply.

CHAPTER V

NATIONAL ASSISTED REPRODUCTIVE TECHNOLOGY AND SURROGACY BOARD AND STATE ASSISTED REPRODUCTIVE TECHNOLOGY AND SURROGACY BOARDS

Constitution of National Assisted Reproductive Technology and Surrogacy Board.

17. (*1*) The Central Government shall, by notification, constitute a Board to be known as the National Assisted Reproductive Technology and Surrogacy Board to exercise the powers and perform the functions conferred on the Board under this Act.

(*2*) The Board shall consist of—

(*a*) the Minister in-charge of the Ministry of Health and Family Welfare, the Chairperson, *ex officio*;

(*b*) the Secretary to the Government of India in-charge of the Department dealing with the surrogacy matter, Vice-Chairperson, *ex officio*;

(*c*) three women Members of Parliament, of whom two shall be elected by the House of the People and one by the Council of States, Members, *ex officio*;

(*d*) three Members of the Ministries of the Central Government in-charge of Women and Child Development, Legislative Department in the Ministry of Law and Justice and the Ministry of Home Affairs, not below the rank of Joint Secretary, Members, *ex officio*;

(*e*) the Director General of Health Services of the Central Government, Member, *ex officio*;

(*f*) ten expert Members to be appointed by the Central Government in such manner as may be prescribed and two each from amongst—

(*i*) eminent medical geneticists or embryologists;

(*ii*) eminent gynaecologists and obstetricians;

(*iii*) eminent social scientists;

(*iv*) representatives of women welfare organisations; and

(*v*) representatives from civil society working on women's health and child issues,

possessing such qualifications and experience as may be prescribed;

(*g*) four Chairpersons of the State Boards to be nominated by the Central Government by rotation to represent the States and the Union territories, two in the alphabetical order and two in the reverse alphabetical order, Member, *ex officio*; and

(*h*) an officer, not below the rank of a Joint Secretary to the Central Government, in-charge of Surrogacy Division in the Ministry of Health and Family Welfare, who shall be the Member-Secretary, *ex officio.*

Term of office of Members.

18. (*1*) The term of office of a Member, other than an *ex officio* Member, shall be—

(*a*) in case of nomination under clause (*c*) of sub-section (*2*) of section 14, three years:

Provided that the term of such Member shall come to an end as soon as the Member becomes a Minister or Minister of State or Deputy Minister, or the Speaker or the Deputy Speaker of the House of the People, or the Deputy Chairman of the Council of States or ceases to be a Member of the House from which she was elected; and

(*b*) in case of appointment under clause (*f*) of sub-section (*2*) of section 17, three years:

Provided that the person to be appointed as Member under this clause shall be of such age as may be prescribed.

(*2*) Any vacancy occurring in the office whether by reason of his death, resignation or inability to discharge his functions owing to illness or other incapacity, shall be filled by the Central Government by making a fresh appointment within a period of one month from the date on which such vacancy occurs and the Member so appointed shall hold office for the remainder of the term of office of the person in whose place he is so appointed.

(*3*) The Vice-Chairperson shall perform such functions as may be assigned to him by the Chairperson from time to time.

Meetings of Board.

19. (*1*) The Board shall meet at such places and times and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as may be determined by the regulations:

Provided that the Board shall meet at least once in six months.

(*2*) The Chairperson shall preside at the meeting of the Board and if for any reason the Chairperson is unable to attend the meeting of the Board, the Vice-Chairperson shall preside at the meetings of the Board.

(*3*) All questions which come up before any meeting of the Board shall be decided by a majority of the votes of the members present and voting, and in the event of an equality of votes, the Chairperson, or in his absence, the Vice-Chairperson shall have a second or casting vote.

(*4*) The Members, other than *ex officio* Members, shall receive only compensatory travelling expenses for attending the meetings of the Board.

Vacancies, etc., not to invalidate proceedings of Board.

20. No act or proceeding of the Board shall be invalid merely by reason of—

(*a*) any vacancy in, or any defect in the constitution of, the Board; or

(*b*) any defect in the appointment of a person acting as a Member of the Board; or

(*c*) any irregularity in the procedure of the Board not affecting the merits of the case.

Disqualifications for appointment as Member.

21. (*1*) A person shall be disqualified for being appointed and continued as a Member if, he—

(*a*) has been adjudged as an insolvent; or

(*b*) has been convicted of an offence, which in the opinion of the Central Government, involves moral turpitude; or

(*c*) has become physically or mentally incapable of acting as a Member; or

(*d*) has acquired such financial or other interest, as is likely to affect prejudicially his functions as a Member; or

(*e*) has so abused his position, as to render his continuance in office prejudicial to the public interest; or

(*f*) is a practicing member or an office-bearer of any association representing surrogacy clinics, having financial or other interest likely to affect prejudicially, his function as a Member; or

(*g*) is an office-bearer, heading or representing, any of the professional bodies having commercial interest in surrogacy or infertility.

(*2*) The Members referred to in clause (*f*) of section 17 shall not be removed from their office except by an order of the Central Government on the ground of their proved misbehaviour or incapacity after the Central Government, has, on an inquiry, held in accordance with the procedure prescribed in this behalf by the Central Government, come to the conclusion that the Member ought on any such ground to be removed.

(*3*) The Central Government may suspend any Member against whom an inquiry under sub-section (*2*) is being initiated or pending until the Central Government has passed an order on receipt of the report of the inquiry.

Temporary association of persons with Board for particular purposes.

22. (*1*) The Board may associate with itself, in such manner and for such purposes as may be determined by the regulations, any person whose assistance or advice it may desire in carrying out any of the provisions of this Act.

(*2*) A person associated with the Board under sub-section (*1*) shall have a right to take part in the discussions relevant to that purpose, but shall not have a right to vote at a meeting of the Board and shall not be a Member for any other purpose.

Authentication of orders and other instruments of Board.

23. All orders and decisions of the Board shall be authenticated by the signature of the Chairperson and all other instruments issued by the Board shall be authenticated by the signature of the Member-Secretary of the Board.

Eligibility of Member for re-appointment.

24. Subject to other terms and conditions of service as may be prescribed, any person ceasing to be a Member shall be eligible for re-appointment as such Member:

Provided that no Member other than an *ex officio* Member shall be appointed for more than two consecutive terms.

Functions of Board.

25. The Board shall discharge the following functions, namely:—

(*a*) to advise the Central Government on policy matters relating to surrogacy;

(*b*) to review and monitor the implementation of the Act, and the rules and regulations made thereunder and recommend to the Central Government, changes therein;

(*c*) to lay down the code of conduct to be observed by persons working at surrogacy clinics;

(*d*) to set the minimum standards of physical infrastructure, laboratory and diagnostic equipment and expert manpower to be employed by the surrogacy clinics;

(*e*) to oversee the performance of various bodies constituted under the Act and take appropriate steps to ensure their effective performance;

(*f*) to supervise the functioning of State Assisted Reproductive Technology and Surrogacy Boards; and

(*g*) such other functions as may be prescribed.

Constitution of State Assisted Reproductive Technology and Surrogacy Board.

26. Each State and Union territory having Legislature shall constitute a Board to be known as the State Assisted Reproductive Technology and Surrogacy Board or the Union territory Assisted Reproductive Technology and Surrogacy Board, as the case may be, which shall discharge the following functions, namely:—

(*i*) to review the activities of the appropriate authorities functioning in the State or Union territory and recommend appropriate action against them;

(*ii*) to monitor the implementation of the provisions of the Act, and the rules and regulations made thereunder and make suitable recommendations relating thereto, to the Board;

(*iii*) to send such consolidated reports as may be prescribed, in respect of the various activities undertaken in the State under the Act, to the Board and the Central Government; and

(*iv*) such other functions as may be prescribed.

Composition of State Board.

27. The State Board shall consist of—

(*a*) the Minister in-charge of Health and Family Welfare in the State, Chairperson, *ex officio*;

(*b*) the Secretary in-charge of the Department of Health and Family Welfare, Vice-Chairperson, *ex officio*;

(*c*) Secretaries or Commissioners in-charge of the Departments of Women and Child Development, Social Welfare, Law and Justice and Home Affairs or their nominees, members, *ex officio*;

(*d*) Director-General of Health and Family Welfare of the State Government, member, *ex officio*;

(*e*) three women members of the State Legislative Assembly or Union territory Legislative Council, members, *ex officio*;

(*f*) ten expert members to be appointed by the State Government in such manner as may be prescribed, two each from amongst—

(*i*) eminent medical geneticists or embryologists;

(*ii*) eminent gynaecologists and obstetricians;

(*iii*) eminent social scientists;

(*iv*) representatives of women welfare organisations; and

(*v*) representatives from civil society working on women's health and child issues,

possessing such qualifications and experiences as may be prescribed;

(*g*) an officer not below the rank of Joint Secretary to the State Government in-charge of Family Welfare, who shall be the Member-Secretary, *ex officio*.

Term of office of members.

28. (*1*) The term of office of a member, other than an *ex officio* member, shall be—

(*a*) in case of nomination under clause (*e*) of section 27, three years:

Provided that the term of such member shall come to an end as soon as the member becomes a Minister or Minister of State or Deputy Minister, or the Speaker or the Deputy Speaker of the Legislative Assembly, or the Deputy Chairman of the Legislative Council or ceases to be a member of the House from which she was elected; and

(*b*) in case of appointment under clause (*f*) of section 27, three years:

Provided that the person to be appointed as member under this clause shall be of such age, as may be prescribed.

(*2*) Any vacancy occurring in the office whether by reason of his death, resignation or inability to discharge his functions owing to illness or other incapacity, shall be filled within a period of one month from the date on which such vacancy occurs by the State Government by making a fresh appointment and the member so appointed shall hold office for the remainder of the term of office of the person in whose place he is so appointed.

(*3*) The Vice-Chairperson shall perform such functions as may be assigned to him by the Chairperson from time to time.

Meetings of State Board.

29. (*1*) The State Board shall meet at such places and times and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as may be specified by the regulations:

Provided that the State Board shall meet at least once in four months.

(*2*) The Chairperson shall preside at the meetings of the Board and if for any reason the Chairman is unable to attend the meeting of the State Board, the Vice-Chairperson shall preside at the meetings of the State Board.

(*3*) All questions which come up before any meeting of the State Board shall be decided by a majority of the votes of the members present and voting, and in the event of an equality of votes, the Chairperson, or in his absence, the Vice-Chairperson shall have a second or casting vote.

(*4*) The members, other than *ex officio* members, shall receive only compensatory travelling expenses for attending the meetings of the State Board.

Vacancies, etc., not to invalidate proceedings of State Board.

30. No act or proceeding of the State Board shall be invalid merely by reason of—

(*a*) any vacancy in, or any defect in the constitution of, the State Board; or

(*b*) any defect in the appointment of a person acting as a member of the State Board; or

(*c*) any irregularity in the procedure of the State Board not affecting the merits of the case.

Disqualifications for appointment as member.

31. (*1*) A person shall be disqualified for being appointed and continued as a member if, he—

(*a*) has been adjudged as an insolvent; or

(*b*) has been convicted of an offence, which in the opinion of the State Government, involves moral turpitude; or

(*c*) has become physically or mentally incapable of acting as a member; or

(*d*) has acquired such financial or other interest, as is likely to affect prejudicially his functions as a member; or

(*e*) has so abused his position, as to render his continuance in office prejudicial to the public interest; or

(*f*) is a practicing member or an office-bearer of any association representing surrogacy clinics, having financial or other interest likely to affect prejudicially, his functions as a member; or

(*g*) is an office-bearer, heading or representing, any of the professional bodies having commercial interest in surrogacy or infertility.

(*2*) The members referred to in clause (*f*) of section 27 shall not be removed from their office except by an order of the State Government on the ground of their proved misbehaviour or incapacity after the State Government, has, on an inquiry, held in accordance with the procedure prescribed in this behalf by the State Government, come to the conclusion that the member ought on any such ground to be removed.

(*3*) The State Government may suspend any member against whom an inquiry under sub-section (*2*) is being initiated or pending until the State Government has passed an order on receipt of the report of the inquiry.

Temporary association of persons with State Board for particular purposes.

32. (*1*) The State Board may associate with itself, in such manner and for such purposes as may be determined by the regulations, any person whose assistance or advice it may desire in carrying out any of the provisions of this Act.

(*2*) A person associated with it by the State Board under sub-section (*1*) shall have a right to take part in the discussions relevant to that purpose, but shall not have a right to vote at a meeting of the State Board and shall not be a member for any other purpose.

Authentication of orders and other instruments of State Board.

33. All orders and decisions of the State Board shall be authenticated by the signature of the Chairperson and all other instruments issued by the State Board shall be authenticated by the signature of the Member-Secretary of the State Board.

Eligibility of member for re-appointment.

34. Subject to the other terms and conditions of service as may be prescribed, any person ceasing to be a member shall be eligible for re-appointment as such member:

Provided that no member other than an *ex officio* member shall be appointed for more than two consecutive terms.

CHAPTER VI

APPROPRIATE AUTHORITY

Appointment of appropriate authority.

35. (*1*) The Central Government shall, within a period of ninety days from the date of commencement of this Act, by notification, appoint one or more appropriate authorities for each of the Union territories for the purposes of this Act and the Assisted Reproductive Technology Act.

(*2*) The State Government shall, within a period of ninety days from the date of commencement of this Act, by notification, appoint one or more appropriate authorities for the whole or any part of the State for the purposes of this Act and the Assisted Reproductive Technology Act.

(*3*) The appropriate authority, under sub-section (*1*) or sub-section (*2*), shall,—

(*a*) when appointed for the whole of the State or the Union territory, consist of—

(*i*) an officer of or above the rank of the Joint Secretary of the Health and Family Welfare Department—Chairperson, *ex officio*;

(*ii*) an officer of or above the rank of the Joint Director of the Health and Family Welfare Department—Vice Chairperson, *ex officio*;

(*iii*) an eminent woman representing women's organisation—member;

(*iv*) an officer of Law Department of the State or the Union territory concerned not below the rank of a Deputy Secretary—member; and

(*v*) an eminent registered medical practitioner—member:

Provided that any vacancy occurring therein shall be filled within one month of the occurrence of such vacancy;

(*b*) when appointed for any part of the State or the Union territory, be officers of such other rank as the State Government or the Central Government, as the case may be, may deem fit.

Functions of appropriate authority.

36. The appropriate authority shall discharge the following functions, namely:—

(*a*) to grant, suspend or cancel registration of a surrogacy clinic;

(*b*) to enforce the standards to be fulfilled by the surrogacy clinics;

(*c*) to investigate complaints of breach of the provisions of this Act, rules and regulations made thereunder and take legal action as per provision of this Act;

(*d*) to take appropriate legal action against the use of surrogacy by any person at any place other than prescribed, *suo motu* or brought to its notice, and also to initiate independent investigations in such matter;

(*e*) to supervise the implementation of the provisions of this Act and rules and regulations made thereunder;

(*f*) to recommend to the Board and State Boards about the modifications required in the rules and regulations in accordance with changes in technology or social conditions;

(*g*) to take action after investigation of complaints received by it against the surrogacy clinics; and

(*h*) to consider and grant or reject any application under clause (*vi*) of section 3 and sub-clauses (*a*) to (*c*) of clause (*iii*) of section 4 within a period of ninety days.

Powers of appropriate authorities.

37. (*1*) The appropriate authority shall exercise the powers in respect of the following matters, namely:—

(*a*) summoning of any person who is in possession of any information relating to violation of the provisions of this Act, and rules and regulations made thereunder;

(*b*) production of any document or material object relating to clause (*a*);

(*c*) search any place suspected to be violating the provisions of this Act, and the rules and regulations made thereunder; and

(*d*) such other powers as may be prescribed.

(*2*) The appropriate authority shall maintain the details of registration of surrogacy clinics, cancellation of registration, renewal of registration, grant of certificates to the intending couple and surrogate mothers or any other matter pertaining to grant of license, etc., of the surrogacy clinics in such format as may be prescribed and submit the same to the National Assisted Reproductive Technology and Surrogacy Board.

CHAPTER VII

OFFENCES AND PENALTIES

Prohibition of commercial surrogacy, exploitation of surrogate mothers and children born through surrogacy.

38. (*1*) No person, organisation, surrogacy clinic, laboratory or clinical establishment of any kind shall—

(*a*) undertake commercial surrogacy, provide commercial surrogacy or its related component procedures or services in any form or run a racket or an organised group to empanel or select surrogate mothers or use individual brokers or intermediaries to arrange for surrogate mothers and for surrogacy procedures, at such clinics, laboratories or at any other place;

(*b*) issue, publish, distribute, communicate or cause to be issued, published, distributed or communicated, any advertisement in any manner regarding commercial surrogacy by any means whatsoever, scientific or otherwise;

(*c*) abandon or disown or exploit or cause to be abandoned, disowned or exploited in any form, the child or children born through surrogacy;

(*d*) exploit or cause to be exploited the surrogate mother or the child born through surrogacy in any manner whatsoever;

(*e*) sell human embryo or gametes for the purpose of surrogacy and run an agency, a racket or an organisation for selling, purchasing or trading in human embryos or gametes for the purpose of surrogacy;

(*f*) import or shall help in getting imported in, whatsoever manner, the human embryo or human gametes for surrogacy or for surrogacy procedures; and

(*g*) conduct sex selection in any form for surrogacy.

45 of 1860.

(*2*) Notwithstanding anything contained in the Indian Penal Code, contraventions of the provisions of clauses (*a*) to (*g*) of sub-section (*1*) by any person shall be an offence punishable with imprisonment for a term which may extend to ten years and with fine which may extend to ten lakh rupees.

(*3*) For the purposes of this section, the expression "advertisement" includes any notice, circular, label, wrapper or any other document including advertisement through internet or any other media, in electronic or print form and also includes any visible representation made by means of any hoarding, wall-painting, signal light, sound, smoke or gas.

Punishment for contravention of provisions of Act.

39. (*1*) Any registered medical practitioner, gynaecologists, paediatrician, embryologists or any person who owns a surrogacy clinic or employed with such a clinic or centre or laboratory and renders his professional or technical services to or at such clinic or centre or laboratory, whether on an honorary basis or otherwise, and who contravenes any

of the provisions of this Act (other than the provisions referred to in section 38) and rules and regulations made thereunder shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend to ten lakh rupees.

(*2*) In case of subsequent or continuation of the offence referred to in sub-section (*1*), the name of the registered medical practitioner shall be reported by the appropriate authority to the State Medical Council concerned for taking necessary action including suspension of registration for a period of five years.

Punishment for not following altruistic surrogacy.

40. Any intending couple or intending woman or any person who seeks the aid of any surrogacy clinic, laboratory or of a registered medical practitioner, gynaecologist, paediatrician, embryologist or any other person for not following the altruistic surrogacy or for conducting surrogacy procedures for commercial purposes shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend to five lakh rupees for the first offence and for any subsequent offence with imprisonment which may extend to ten years and with fine which may extend to ten lakh rupees.

Penalty for contravention of provisions of Act or rules for which no specific punishment is provided.

41. Whoever contravenes any of the provisions of this Act, rules or regulations made thereunder for which no penalty has been provided in this Act, shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to five lakh rupees and in the case of continuing contravention with an additional fine which may extend to ten thousand rupees for every day during which such contravention continues after conviction for the first such contravention.

Presumption in the case of surrogacy.

42. Notwithstanding anything contained in the Indian Evidence Act, 1872, the court shall presume, unless the contrary is proved, that the women or surrogate mother was compelled by her husband, the intending couple or any other relative, as the case may be, to render surrogacy services, procedures or to donate gametes for the purpose other than those specified in clause (*ii*) of section 4 and such person shall be liable for abetment of such offence under section 40 and shall be punishable for the offence specified under that section. 1 of 1872.

Offence to be cognizable, non-baliable and non-compoundable.

43. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence under this Act shall be cognizable, non-bailable and non-compoundable. 2 of 1974.

Cognizance of offences.

44. (*1*) No court shall take cognizance of any offence punishable under this Act except on a complaint in writing made by—

(*a*) the appropriate authority concerned, or any officer or an agency authorised in this behalf by the Central Government or the State Government, as the case may be, or the appropriate authority; or

(*b*) a person including a social organisation who has given notice of not less that fifteen days in the manner prescribed, to the appropriate authority, of the alleged offence and of his intention to make a complaint to the court.

(*2*) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

Certain provisions of Code of Criminal Procedure, 1973 not to apply.

45. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, Chapter XXI A of the said Code relating to plea bargaining shall not apply to the offences under this Act. 2 of 1974.

CHAPTER VIII

MISCELLANEOUS

Maintenance of records.

46. (*1*) The surrogacy clinic shall maintain all records, charts, forms, reports, consent letters, agreements and all the documents under this Act and they shall be preserved for a period of twenty-five years or such period as may be prescribed:

Provided that, if any criminal or other proceedings are instituted against any surrogacy clinic, the records and all other documents of such clinic shall be preserved till the final disposal of such proceedings.

(*2*) All such records shall, at all reasonable times, be made available for inspection to the appropriate authority or to any other person authorised by the appropriate authority in this behalf.

Power to search and seize records, etc.

47. (*1*) If the appropriate authority has reason to believe that an offence under this Act has been or is being committed at any surrogacy clinic or any other place, such authority or any officer authorised in this behalf may, subject to such rules as may be prescribed, enter and search at all reasonable times with such assistance, if any, as such authority or officers considers necessary, such surrogacy clinic or any other place and examine any record, register, document, book, pamphlet, advertisement or any other material object found therein and seize and seal the same if such authority or officer has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act.

2 of 1974.

(*2*) The provisions of the Code of Criminal Procedure, 1973 relating to search and seizure shall apply, as far as may be, to all action taken by the appropriate authority or any officer authorised by it under this Act.

Protection of action taken in good faith.

48. No suit, prosecution or other legal proceeding shall lie against the Central Government or the State Government or the appropriate authority or any officer authorised by the Central Government or the State Government or by the appropriate authority for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

Application of other laws not barred.

49. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

Power to make rules.

50. (*1*) The Central Government may, by notification and subject to the condition of pre-publication, make rules for carrying out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the prescribed expenses under clauses (*b*), (*f*) and (*q*) of sub-section (*1*) of section 2;

(*b*) the minimum qualifications for persons employed at a registered surrogacy clinic under clause (*iii*) of section 3;

(*c*) the period and manner in which a person shall store human embryo or gamete under clause (*vii*) of section 3;

(*d*) the form and manner of application for obtaining certificate of recommendation from the Board under proviso to sub-clause (*a*) of clause (*ii*) of section 4;

(*e*) the insurance coverage in favour of the surrogate mother from an insurance company and the manner of such coverage under item (*III*) of sub-clause (*a*) of clause (*iii*) of section 4;

(*f*) the number of attempts of surrogacy or providing of gametes under the proviso to item (*III*) of sub-clause (*b*) of clause (*iii*) of section 4;

(*g*) the form in which consent of a surrogate mother has to be obtained under clause (*ii*) of section 6;

(*h*) the number of oocytes or embryos to be implanted in the uterus of the surrogate mother under section 9;

(*i*) the conditions under which the surrogate mother may be allowed for abortion during the process of surrogacy under section 10;

(*j*) the form and manner in which an application shall be made for registration and the fee payable thereof under sub-section (*2*) of section 11;

(*k*) the facilities to be provided, equipment and other standards to be maintained by the surrogacy clinics under sub-section (*4*) of section 11;

(*l*) the period, manner and form in which a certificate of registration shall be issued under sub-section (*1*) of section 12;

(*m*) the manner in which the certificate of registration shall be renewed and the fee payable for such renewal under sub-section (*3*) of section 12;

(*n*) the manner in which an appeal may be preferred under section 14;

(*o*) the qualifications and experiences of the Members as admissible under clause (*f*) of sub-section (*2*) of section 17;

(*p*) the procedures for conducting an inquiry against the Members under sub-section (*2*) of section 21;

(*q*) the conditions under which a Member of the Board eligible for re-appointment under section 24;

(*r*) the other functions of the Board under clause (*g*) of section 25;

(*s*) the manner in which reports shall be furnished by the State Assisted Reproductive Technology and Surrogacy Board and the Union territory Assisted Reproductive Technology and Surrogacy Board to the Board and the Central Government under clause (*iii*) of section 26;

(*t*) the other functions of the State Board under clause (*iv*) of section 26;

(*u*) the qualifications and experiences of the members as admissible under clause (*f*) of section 27;

(*v*) the age of the person to be appointed as a member, referred to in clause (*f*) of section 27, under the proviso to clause (*b*) of sub-section (*1*) of section 28;

(*w*) the procedures for conducting an inquiry against the members under sub-section (*2*) of section 31;

(*x*) the conditions under which the members of State Board eligible for re-appointment under section 34;

(*y*) empowering the appropriate authority in any other matter under clause (*d*) of section 36;

(*z*) the other powers of appropriate authority under clause (*d*) of sub-section (*1*) of section 37;

(*za*) the particulars of the details of registration of surrogacy clinics, cancellation of registration, etc., in such format under sub-section (*2*) of section 37;

(*zb*) the manner of giving notice by a person under clause (*b*) of sub-section (*1*) of section 44;

(*zc*) the period up to which records, charts, etc., shall be preserved under sub-section (*1*) of section 46;

(*zd*) the manner in which the seizure of documents, records, objects, etc., shall be made and the manner in which seizure list shall be prepared and delivered under sub-section (*1*) of section 47; and

(*ze*) any other matter which is to be, or may be, or in respect of which provision is to be made by rules.

Power to make regulations.

51. The Board may, with the prior approval of the Central Government, by notification, make regulations not inconsistent with the provisions of this Act and the rules made thereunder to provide for—

(*a*) the fulfilment of any other condition under which eligibility certificate to be issued by the appropriate authority under sub-clause (*d*) of clause (*v*) of section 4;

(*b*) the time and place of the meetings of the Board and the procedure to be followed for the transaction of business at such meetings and the number of Members which shall form the quorum under sub-section (*1*) of section 19;

(*c*) the manner in which a person may be temporarily associated with the Board under sub-section (*1*) of section 22;

(*d*) the time and place of the meetings of the State Board and the procedure to be followed for the transaction of business at such meetings and the number of members which shall form the quorum under sub-section (*1*) of section 29;

(*e*) the manner in which a person may be temporarily associated with the Board under sub-section (*1*) of section 32; and

(*f*) any other matter which is required to be, or may be, specified by regulations.

Rules and regulations to be laid before Parliament.

52. Every rule made by the Central Government and every regulation made by the Board under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation or notification.

Transitional provision.

53. Subject to the provisions of this Act, there shall be provided a gestation period of ten months from the date of coming into force of this Act to existing surrogate mothers' to protect their well being.

Power to remove difficulties.

54. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of the said Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiry of a period of two years from the date of commencement of this Act.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

———

DR. REETA VASISHTA,
Secretary to the Govt. of India.

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ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

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PR-37

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रजिस्ट्री सं॰ डी॰ एल॰—(एन)04/0007/2003—21 REGISTERED NO. DL—(N)04/0007/2003—21

भारत का राजपत्र
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असाधारण
EXTRAORDINARY
भाग II — खण्ड 1
PART II — Section 1
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सं॰ 66] नई दिल्ली, बृहस्पतिवार, दिसम्बर 30, 2021/पौष 9, 1943 (शक)
No. 66] NEW DELHI, THURSDAY, DECEMBER 30, 2021/PAUSA 9, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 30*th December,* 2021/*Pausa* 9, 1943 (*Saka*)

The following Act of Parliament received the assent of the President on the 29th December, 2021 and is hereby published for general information:—

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (AMENDMENT) ACT, 2021

(No. 48 of 2021)

[29*th December*, 2021.]

An Act further to amend the Narcotic Drugs and Psychotropic Substances Act, 1985.

Be it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2021.

(*2*) It shall be deemed to have come into force on the 1st day of May, 2014.

Amendment of section 27A.

61 of 1985.

2. In section 27A of the Narcotic Drugs and Psychotropic Substances Act, 1985, for the words, brackets, letters and figure "clause (*viiia*) of section 2", the words, brackets, letters and figure "clause (*viiib*) of section 2" shall be substituted.

Repeal and savings.

3. (*1*) The Narcotic Drugs and Psychotropic Substances (Amendment) Ordinance, 2021 is hereby repealed. Ord. 8 of 2021.

(*2*) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

———

DR. REETA VASISHTA,
Secretary to the Govt. of India.

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PR-38

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MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 30*th December,* 2021/*Pausa* 9, 1943 (*Saka*)

The following Act of Parliament received the assent of the President on the 29th December, 2021 and is hereby published for general information:—

THE ELECTION LAWS (AMENDMENT) ACT, 2021

(No. 49 OF 2021)

[29*th December*, 2021.]

An Act further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I
PRELIMINARY

1. (*1*) This Act may be called the Election Laws (Amendment) Act, 2021. Short title and commencement.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II

AMENDMENTS TO THE REPRESENTATION OF THE PEOPLE ACT, 1950

Amendment of section 14.

2. In the Representation of the People Act, 1950 (hereafter in this Chapter referred to as the 1950 Act), in section 14, in clause (*b*), for the words, figure and letters "the 1st day of January", the words, figures and letters "the 1st day of January, the 1st day of April, the 1st day of July and the 1st day of October" shall be substituted. 43 of 1950.

Amendment of section 20.

3. In section 20 of the 1950 Act, in sub-section (*6*),—

(*i*) for the word "wife", the word "spouse" shall be substituted;

(*ii*) for the words "if she", the words "if such spouse" shall be substituted.

Amendment of section 23.

4. In section 23 of the 1950 Act, after sub-section (*3*), the following sub-sections shall be inserted, namely:—

'(*4*) The electoral registration officer may for the purpose of establishing the identity of any person require that such person may furnish the Aadhaar number given by the Unique Identification Authority of India as per the provisions of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016: 18 of 2016.

Provided that the electoral registration officer may also require the Aadhaar number from persons already included in the electoral roll for the purposes of authentication of entries in electoral roll and to identify registration of name of the same person in the electoral roll of more than one constituency or more than once in the same constituency.

(*5*) Every person whose name is included in the electoral roll may intimate his Aadhaar number to such authority in such form and manner as may be prescribed, on or before a date to be notified by the Central Government in the Official Gazette.

(*6*) No application for inclusion of name in the electoral roll shall be denied and no entries in the electoral roll shall be deleted for inability of an individual to furnish or intimate Aadhaar number due to such sufficient cause as may be prescribed:

Provided that such individual may be allowed to furnish such other alternate documents as may be prescribed.

Explanation.—For the purposes of this section, the expression "Aadhaar number" shall have the same meaning as assigned to it in clause (*a*) of section 2 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.'. 18 of 2016.

Amendment of section 28.

5. In section 28 of the 1950 Act, in sub-section (*2*), after clause (*hhh*), the following clauses shall be inserted, namely:—

"(*hhha*) the authority and the form and manner of intimation of Aadhaar number under sub-section (*5*) of section 23;

(*hhhb*) the sufficient cause and furnishing of alternate documents to be provided by the individual under sub-section (*6*) of section 23.".

CHAPTER III

AMENDMENTS TO THE REPRESENTATION OF THE PEOPLE ACT, 1951

Amendment of section 60.

6. In the Representation of the People Act, 1951 (hereafter in this Chapter referred to as the 1951 Act), in section 60, in clause (*b*), in sub-clause (*ii*), for the word "wife", occurring at both the places, the word "spouse" shall be substituted. 43 of 1951.

Amendment of section 160.

7. In section 160 of the 1951 Act, in sub-section (*1*),—

(*i*) for clause (*a*), the following clause shall be substituted, namely:—

"(*a*) any premises are needed or are likely to be needed for the purpose of being used as polling stations, for counting, for storage of ballot boxes, voting machines (including voter verifiable paper audit trail) and poll related material after a poll has been taken, accommodation for security forces and polling personnel; or";

(*ii*) in the proviso, for the words "Provided that", the following shall be substituted, namely:—

"Provided that such premises shall be requisitioned after the issuance of the notification by the Election Commission under section 30 for such election till the date notified under clause (*e*) thereof:

Provided further that".

———

DR. REETA VASISHTA,
Secretary to the Govt. of India.

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ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-39

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 02 ಕೇನಿಪ್ರ 2022 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 01.04.2022.

ದಿನಾಂಕ: 16.02.2022 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Plastic Waste Management (Amendment) Rules, 2022ರ NOTIFICATION G.S.R.133(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the16th February, 2022

G.S.R. 133(E).—In exercise of the powers conferred by sections 3, 6, and 25 of the Environment (Protection) Act 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Plastic Waste Management Rules, 2016, namely: -

1. (1) These rules may be called the Plastic Waste Management (Amendment) Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Plastic Waste Management Rules, 2016 (hereinafter referred to as the said rules), in rule 9, in sub-rule (1), for the words "as per guidelines issued under these rules from time to time", the words "as per guidelines specified in SCHEDULE – II" shall substituted.

3. In the said rules, after SCHEDULE – I, the following Schedule shall be inserted namely:-

'SCHEDULE-II

[See Rule 9 (1)]

Guidelines on Extended Producer Responsibility for Plastic Packaging

1. **Background:**

(1.1) The Ministry of Environment, Forest and Climate Change (MoEFCC), (hereinafter referred to as 'The Ministry'), notified the Plastic Waste Management Rules, 2016 on 18th March, 2016. The Ministry also notified the Solid Waste Management Rules, 2016 on 8th April, 2016. As plastic waste is part of solid waste, therefore, both the rules apply to managing plastic waste in the country.

(1.2) The Plastic Waste Management Rules, 2016, mandate the generators of plastic waste to take steps to minimize generation of plastic waste, not to litter the plastic waste, ensure segregated storage of waste at source and hand over segregated waste in accordance with rules. The rules also mandate the responsibilities of local bodies, gram panchayats, waste generators, retailers and street vendors to manage plastic waste. (1.3) The Plastic Waste Management Rules, 2016 cast Extended Producer Responsibility on Producer, Importer, and Brand Owner. Extended Producer Responsibility shall be applicable to both pre-consumer and post-consumer plastic packaging waste. (1.4) These guidelines provides framework for implementation of Extended Producer Responsibility. The Guidelines provide the roles and responsibilities of Producers, Importers, Brand Owners, Central Pollution Control Board, State Pollution Control Board or Pollution Control Committees, recyclers and waste processors for effective implementation of Extended Producer Responsibility. The definitions given in Plastic Waste Management Rules, 2016, apply until, specifically mentioned in these guidelines;

2. Date of Coming into Effect:

These guidelines shall come into force with immediate effect. The on-going processes related to Extended Producer Responsibility obligations will be aligned with these guidelines.

3. Definitions:

(a) "**Biodegradable plastics**" means that plastics, other than compostable plastics, which undergoes complete degradation by biological processes under ambient environment (terrestrial or in water) conditions, in specified time periods, without leaving any micro plastics, or visible, distinguishable or toxic residue, which have adverse environment impacts, adhering to laid down standards of Bureau of Indian Standards and certified by Central Pollution Control Board.

(b) **"Brand Owner"** means a person or company who sells any commodity under a registered brand label or trade mark;

(c) "**Carry Bags**" (covered under Category II of plastic packaging – Clause (5.1) (II)) means bags made from plastic material or compostable plastic material, used for the purpose of carrying or dispensing commodities which have a self-carrying feature but do not include bags that constitute or form an integral part of the packaging in which goods are sealed prior to use ;

(d) "**End of Life disposal**" means using plastic waste for generation of energy and includes co-processing (e.g. in cement kilns) or waste to oil or for road construction as per Indian Road Congress guidelines, etc;

(e) "**Extended Producer Responsibility**" means the responsibility of a producer for the environmentally sound management of the product until the end of its life;

(f) "**Importer**" means a person who imports plastic packaging product or products with plastic packaging or carry bags or multilayered packaging or plastic sheets or like;

(g) "**Plastic**" means material which contains as an essential ingredient a high polymer such as polyethylene terephthalate, high density polyethylene, Vinyl, low density polyethylene, polypropylene, polystyrene resins, multi-materials like acrylonitrile butadiene styrene, polyphenylene oxide, polycarbonate, polybutylene terephthalate;

(h) "**Plastic Packaging**" means packaging material made by using plastics for protecting, preserving, storing and transporting of products in a variety of ways.

(i) "**Plastic Sheet**" means plastic sheet is the sheet made of plastic;

(j) "**Plastic Waste Processors**" means recyclers and entities engaged in using plastic waste for energy (waste to energy), and converting it to oil (waste to oil), industrial composting.

(k) "**Pre-consumer plastic packaging waste**" means plastic packaging waste generated in the form of reject or discard at the stage of manufacturing of plastic packaging and plastic packaging waste generated during the packaging of product including reject, discard, before the plastic packaging reaches the end-use consumer of the product.

(l) "**Post-consumer plastic packaging waste"** means plastic packaging waste generated by the end-use consumer after the intended use of packaging is completed and is no longer being used for its intended purpose.

(m) "**Producer**" means person engaged in manufacture or import of carry bags or multilayered packaging or plastic sheets or like, and includes industries or individuals using plastic sheets or like or covers made of plastic sheets or multilayered packaging for packaging or wrapping the commodity;

(n) "**Recyclers**" are entities who are engaged in the process of recycling of plastic waste;

(o) "**Recycling**" means the process of transforming segregated plastic waste into a new product or raw material for producing new products;

(p) "**Reuse**" means using an object or resource material again for either the same purpose or another purpose without changing the object's structure;

(q) "**Use of recycled plastic**" means recycled plastic, instead of virgin plastic, is used as raw material in the manufacturing process;

(r) "**Waste Management**" means the collection, storage, transportation reduction, re-use, recovery, recycling, composting or disposal of plastic waste in an environmentally sound manner;

(s) "**Waste to Energy**" means using plastic waste for generation of energy and includes co-processing (e.g. in cement kilns).

4. Obligated Entities:

The following entities shall be covered under the Extended Producer Responsibility obligations and provisions of these guidelines namely: -

(i) Producer (P) of plastic packaging;

(ii) Importer (I) of all imported plastic packaging and / or plastic packaging of imported products;

(iii) Brand Owners (BO) including online platforms/marketplaces and supermarkets/retail chains other than those, which are micro and small enterprises as per the criteria of Ministry of Micro, Small and Medium Enterprises, Government of India.;

(iv) Plastic Waste Processors

5. Coverage of Extended Producer Responsibility:

(5.1) The following plastic packaging categories are covers under Extended Producer Responsibility:

(i) **Category I**

Rigid plastic packaging;

(ii) **Category II**

Flexible plastic packaging of single layer or multilayer (more than one layer with different types of plastic), plastic sheets or like and covers made of plastic sheet, carry bags, plastic sachet or pouches;

(iii) **Category III**

Multilayered plastic packaging (at least one layer of plastic and at least one layer of material other than plastic);

(iv) **Category IV**

Plastic sheet or like used for packaging as well as carry bags made of compostable plastics.

(5.2) The Extended Producer Responsibility Guidelines covers the following with respect to plastic packaging namely: -

(i) Reuse;

(ii) Recycling;

(iii) Use of recycled plastic content;

(iv) End of life disposal.

6. Registration:

(6.1) (a)The following entities shall register on the centralized portal developed by Central Pollution Control Board namely: -

(i) Producer (P);

(ii) Importer (I);

(iii) Brand owner (BO);

(iv) Plastic Waste Processor engaged in (a) recycling, (b) waste to energy, (c) waste to oil, and (iv) industrial composting,

(b) Registration of Producers, Importers & Brand-Owners (operating in one or two states) and Plastic Waste processors shall be done by State Pollution Control Board or Pollution Control Committee through the centralized Extended Producer Responsibility portal developed by Central Pollution Control Board.

(c) After these guidelines have come into effect, with respect to, entities starting their business in a particular year and placing their products in market in that year, they shall have Extended Producer Responsibility target obligations from the next year.

(6.2) The entities covered under clause 6.1 shall not carry any business without registration obtained through on-line centralized portal developed by Central Pollution Control Board.

(6.3) The entities covered under clause (6.1) shall not deal with any entity not registered through on-line centralized portal developed by Central Pollution Control Board.

(6.4) In case, it is found or determined that any entity registered on the on-line portal has provided false information or has willfully concealed information or there is any irregularity or deviation from the conditions stipulated while obtaining registration under Extended Producer Responsibility guidelines, then the registration of such an entity would be revoked for a one -year period after giving an opportunity to be heard. The entities whose registration has been revoked shall not be able to register afresh for the period of revocation.

(6.5) In case any entity falls in more than one sub-category mentioned in the clause (6.1) then the entity shall register under each of those sub-categories separately. Further, in cases, where the entity has units in different states, in a particular sub-category mentioned in clause 6.1, then these units shall also be registered separately. However, only one registration under a sub category in a state would be needed, even if, more than one unit are located in a state. The registration shall be as per Standard Operating Procedure laid down by Central Pollution Control Board for the purpose, as per these Guidelines.

(6.6) While registering, the entities shall have to provide PAN Number, GST Number, CIN Number of the company and Aadhar Number and PAN Number of authorized person or representative and any other necessary information as required.

7. Targets for Extended Producer Responsibility and obligations of Producers, Importers & Brand-Owners:

(7.1) The Extended Producer Responsibility targets for the Producers, Importers & Brand-Owners shall be determined category-wise.

(7.2) Producer (P):

(a) Extended Producer Responsibility target (Refer example 1 to 3 in Annexure):

Eligible Quantity in MT (Q 1) shall be the average weight of plastic packaging material (category-wise) sold in the last two financial years (A) plus average quantity of pre-consumer plastic packaging waste in the last two financial years (B) minus the annual quantity (C) supplied to the entities covered under sub-clause 4 (iii) in the previous financial year as under: -

Q 1 (in MT) = (A + B) -

and the Extended Producer Responsibility target shall be determined category-wise , as given below

Extended Producer Responsibility target

	Year	Extended Producer Responsibility target (as a percentage of Q1 - category-wise)
I	**2021 - 22**	**25 %**
II	**2022 - 23**	**70 %**
III	**2023 - 24**	**100 %**

The Extended Producer Responsibility target in MT category-wise, as applicable, shall be provided by Producer, as part of Action Plan on the centralized portal developed by Central Pollution Control Board.

(b) Obligation for recycling (Refer example 1 to 3 in Annexure):

The Producer shall ensure minimum level of recycling (excluding end of life disposal) of plastic packaging waste collected under Extended Producer Responsibility Target, category-wise, as given below namely: -

Minimum level of recycling (excluding end of life disposal) of plastic packaging waste

(% of Extended Producer Responsibility Target)

Plastic packaging category	2024-25	2025-26	2026-27	2027-28 and onwards
Category I	**50**	**60**	**70**	**80**
Category II	**30**	**40**	**50**	**60**
Category III	**30**	**40**	**50**	**60**
Category IV	**50**	**60**	**70**	**80**

In case of Category IV plastic packaging category (plastic sheet or like used for packaging and carry bags made of compostable plastics), the minimum level of recycling means processing plastic packaging waste for composting through industrial composting facilities.

(c) End of life disposal (refer examples 1 to 3 in Annexure):

(i) Only those plastics, which cannot be recycled will be sent for end of life disposal such as road construction, waste to energy, waste to oil, cement kilns (for co processing) etc. as per relevant guidelines issued by Indian Road Congress or Central Pollution Control Board from time to time.

(ii) The producers shall ensure end of life disposal of the plastic packaging waste only through methodologies specified in Rule 5 (1) (b) of Plastic Waste Management Rules, 2016,

(d) Obligation for use of recycled plastic content (Refer example 6 in Annexure)

The Producer shall ensure use of recycled plastic in plastic packaging category-wise as given below namely: -

Mandatory use of recycled plastic in plastic packaging

(% of plastic manufactured for the year)

Plastic packaging category	2025-26	2026-27	2027-28	2028-29 and onwards
Category I	30	40	50	60
Category II	10	10	20	20
Category III	5	5	10	10

In cases, where it is not possible to meet the obligation in respect of recycled plastic content on account of statutory requirements, the exemption will be granted by Central Pollution Control Board on case-to-case basis. However, in such cases, the Producers, Importers & Brand-Owners will have to fulfil its obligation of use of recycled content (in quantitative terms) through purchase of certificate of equivalent quantity from such Producers, Importers & Brand-Owners who have used recycled content in excess of their obligation. Central Pollution Control Board will develop mechanism for such exchange on the centralized online portal.

7.3 Importer (I):

(a) Extended Producer Responsibility Target (Refer example 1 to 3 in Annexure)

Eligible Quantity in MT (Q 2) shall be the average weight of all plastic packaging material and / or plastic packaging of imported products (category-wise) imported and sold in the last two financial years (A) plus average quantity of pre-consumer plastic packaging in the last two financial years (B) waste minus the annual quantity (C) supplied to the entities covered under sub-clause 4 (iii) in the previous financial years as under: -

Q 2 (in MT) = (A + B) - C
and the Extended Producer Responsibility target shall be determined, category-wise , as given below namely: -

	Year	Extended Producer Responsibility target (as a percentage of Q 2 - category-wise)
I	**2021 - 22**	**25 %**
II	**2022 - 23**	**70 %**
III	**2023 - 24**	**100 %**

The Extended Producer Responsibility target in MT category-wise, as applicable, shall be provided by Importer as part of Action Plan on the centralized portal developed by Central Pollution Control Board.

(b) Obligation for recycling (Refer example 1 to 3 in Annexure)

The Importer shall ensure minimum level of recycling (excluding end of life disposal) of plastic packaging waste collected under extended producer responsibility Target, category-wise, as given below.

Minimum level of recycling (excluding end of life disposal) of plastic packaging waste

(% of extended producer responsibility Target)

Plastic packaging category	**2024-25**	**2025-26**	**2026-27**	**2027-28 and onwards**
Category I	**50**	**60**	**70**	**80**
Category II	**30**	**40**	**50**	**60**
Category III	**30**	**40**	**50**	**60**
Category IV	**50**	**60**	**70**	**80**

In case of Category IV plastic packaging category (plastic sheet or like used for packaging and carry bags made of compostable plastics), the minimum level of recycling means processing plastic packaging waste for composting through industrial composting facilities.

(c) End of life disposal (refer examples 1 to 3 in Annexure)

(i) Only those plastics, which cannot be recycled will be sent for end of life disposal such as road construction, waste to energy, waste to oil as per relevant guidelines issued by Indian Road Congress or Central Pollution Control Board from time to time.

(ii) The importer shall ensure end of life disposal of the plastic packaging waste only through methodologies specified in rule 5 (1) (b) of Plastic Waste Management Rules, 2016, as amended.

(d) Obligation for use of recycled plastic content (Refer example 6 in Annexure)

The Importer shall ensure use of recycled plastic in plastic packaging category-wise as given below.

Mandatory use of recycled plastic in plastic packaging

(% of imported plastic for the year)

Plastic packaging category	2025-26	2026-27	2027-28	2028-29 and onwards
Category I	30	40	50	60
Category II	10	10	20	20
Category III	5	5	10	10

Any recycled plastic used in imported material shall not be counted towards fulfilment of obligation. The importer will have to fulfil its obligation of use of recycled content (in quantitative terms) through purchase of certificate of equivalent quantity from such Producers, Importers & Brand-Owners who have used recycled content in excess of their obligation. Central Pollution Control Board will develop mechanism for such exchange on the centralized online portal.

7.4 Brand Owner (BO):

a) Extended Producer Responsibility target (refer examples 1 to 3 in Annexure)

Eligible Quantity in MT (Q 3) shall be the average weight of virgin plastic packaging material (category-wise) purchased and introduced in market in the last two financial years (A) plus average quantity of (B) of pre-consumer plastic packaging in the last two financial years as under: -

Q 3 (in MT) = A + B

The Extended Producer Responsibility target shall be determined, category-wise , as given below namely: -

	Year	Extended Producer Responsibility Target (as a percentage of Q3 - category-wise)
I	**2021 - 22**	**25 %**
II	**2022 - 23**	**70 %**
III	**2023 - 24**	**100 %**

The Extended Producer Responsibility target in MT category-wise, as applicable, shall be provided by Brand Owner as part of the Action Plan on the centralized portal developed by Central Pollution Control Board.

(b) Obligation for reuse (refer examples 4 and 5 in Annexure):

I. The Brand Owner using Category I (rigid) plastic packaging for their products shall have minimum obligation to reuse such packaging as given below: -

Provided that the reuse of Category I rigid plastic packaging in food contact applications shall be subject to regulation of Food Safety and Standards Authority of India.

(II) Minimum obligation to reuse for Category I (rigid plastic packaging).

	Year	Target (as percentage of Category I rigid plastic packaging in products sold annually)

A	Category I rigid plastic packaging with volume or weight equal or more than 0.9 liter or kg but less than 4.9 litres or kg, as the case may be	
I	2025 – 26	10
II	2026 – 27	15
III	2027-28	20
IV	2028-29 and onwards	25
B	Category I rigid plastic packaging with volume of weight equal or more than 4.9 litres or kg.	
I	2025 – 26	70
II	2026 – 27	75
III	2027-28	80
IV	2028-29 and onwards	85

(III) The quantity of rigid packaging reused by brand Owner shall be calculated by reducing virgin plastic packaging manufactured/imported/purchased in that year from the sales of the Brand Owner. The brand owner shall provide this information on the centralized portal developed by Central Pollution Control Board.

(IV) The quantity of Category I rigid plastic packaging reused shall be reduced from the total plastic packaging used under Category I by the obligated entities (Brand Owners).

III. The quantity of Category I rigid plastic packaging reused during the year 2022 – 2023 and 2023-2024, shall be reduced from the total plastic packaging used under Category I.

(c) Obligation for recycling (refer examples 1 to 3 in Annexure):

The Brand Owner shall ensure minimum level of recycling (excluding end of life disposal) of plastic packaging waste collected under Extended Producer Responsibility target, category-wise, as given below.

Minimum level of recycling (excluding end of life disposal) of plastic packaging waste

(% of Extended Producer Responsibility Target)

Plastic packaging category	2024-25	2025-26	2026-27	2027-28 and onwards
Category I	**50**	**60**	**70**	**80**
Category II	**30**	**40**	**50**	**60**
Category III	**30**	**40**	**50**	**60**
Category IV	**50**	**60**	**70**	**80**

In case of Category IV plastic packaging category (plastic sheet or like used for packaging and carry bags made of compostable plastics), the minimum level of recycling means processing plastic packaging waste for composting through industrial composting facilities.

(d) End of life disposal (refer examples 1 to 3 in Annexure)

(i) Only those plastics, which cannot be recycled will be sent for end of life disposal such as road construction, waste to energy, waste to oil, as per relevant guidelines issued by Indian Road Congress or Central Pollution Control Board from time to time.

(ii) The Brand Owner shall ensure end of life disposal of the plastic packaging waste only through methodologies specified in rule 5 (1) (b) of the Plastic Waste Management Rules, 2016, as amended.

(e) Obligation for use of recycled plastic content (refer examples 6 in Annexure)

(i) The Brand Owner shall ensure use of recycled plastic in plastic packaging, category-wise, as given below namely:

Mandatory use of recycled plastic in plastic packaging

(% of manufactured plastic for the year)

Plastic packaging category	2025-26	2026-27	2027-28	2028-29 and onwards
Category I	30	40	50	60
Category II	10	10	20	20
Category III	5	5	10	10

(ii) In cases, where it is not possible to meet the obligation in respect of recycled plastic content on account of statutory requirements, the exemption will be granted by Central Pollution Control Board on case-to-case basis. However, in such cases, the Producers, Importers & Brand-Owners will have to fulfil its obligation of use of recycled content (in quantitative terms) through purchase of certificate of equivalent quantity from such Producers, Importers & Brand-Owners who have used recycled content in excess of their obligation. Central Pollution Control Board will develop mechanism for such exchange on the centralized online portal.

(iii) In case, where Brand Owner is also Producer and/or Importer of plastic packaging material, the clause 7.2 and 7.3 shall also apply for determining their Extended Producer Responsibility targets and obligations as Producer and /or Importer, respectively.

(7.5) The Extended Producer Responsibility target in MT category-wise, as applicable, shall be provided by all Producers, Importers & Brand-Owners as part of Action Plan on the centralized portal developed by Central Pollution Control Board.

(7.6) The obligations for reuse, recycling of waste and use of recycled plastic content in packaging shall be reviewed every five years based upon available technologies for meeting the Targets specified.

(7.7) Extended Producer Responsibility on plastic packaging will promote sustainable packaging, as per guidelines prepared by Central Pollution Control Board, inter alia based on the following criteria,

(i) package designing promoting reuse;

(ii) package designing amenable for recycling;

(iii) recycled plastic content in plastic packaging material and; (iv) package designing for environment.

(7.8) In case, the obligated entity utilizes plastic packaging which is 100% biodegradable in the ambient environment leaving no traces of micro plastics or chemical residue or any other traces having adverse environmental and health impacts as certified by regulatory entities Central Pollution Control Board, Bureau of Indian Standards, Central Institute of Petrochemicals Engineering & Technology, the Extended Producer Responsibility target will not be applicable for such material.

8. Generation of surplus Extended Producer Responsibility certificates, carry forward and offsetting against previous year Extended Producer Responsibility targets and obligations, and sale and purchase of surplus Extended Producer Responsibility certificates:

(8.1) A Brand Owner who has fulfilled their Extended Producer Responsibility targets, category-wise, can use the surplus for the following namely: -

(i) Off setting previous year shortfall subject to clause 9.5;

(ii) Carry forward for use in succeeding year;

(iii) Sell it to other Producers, Importers & Brand-Owners.

(8.2) Surplus in one category can only be used for off-setting, carry forward and sale in the same category. A surplus under reuse can be used for against reuse, recycling and also end of life disposal. A surplus under recycling can be used for recycling and end of life disposal. A surplus under end of life disposal cannot be used for reuse or recycle.

(8.3) Producers, Importers & Brand-Owners can also meet their Extended Producer Responsibility obligations under a category by purchasing surplus Extended Producer Responsibility certificates from other Producers, Importers & Brand-Owners of the same category.

(8.4) Such transactions shall be recorded and submitted by the Producers, Importers & Brand-Owners on the online portal while filing annual returns under the Extended Producer Responsibility framework. Central Pollution Control Board will develop mechanism for such exchange on the centralized portal.

9. Imposition of Environmental Compensation:

(9.1) Environmental Compensation shall be levied based upon polluter pays principle, with respect to non-fulfilment of Extended Producer Responsibility targets by Producers, Importers &

Brand Owners, for the prupose of protecting and improving the quality of the environment and preventing, controlling and abating environment pollution .

(9.2) Central Pollution Control Board shall lay down guidelines for imposition and collection of environment compensation on Producers, Importers & Brand-Owners, recyclers and end of life processors, in case of non-fulfilment of obligations set out in these guidelines, and the same shall be notified. The Guidelines for Environmental Compensation shall be updated, as required.

(9.3) The Environment Compensation, as applicable, shall be levied by Central Pollution Control Board on the Producers, Importers & Brand-Owners operating in more than two states with respect to non-fulfillment of their Extended Producer Responsibility targets, responsibilities and obligations in these guidelines.

(9.4) The Environment Compensation, as applicable, shall be levied by respective State Pollution Control Board on the Producers, Importers & Brand-Owners operating in their jurisdiction (for Producers, Importers & Brand-Owners not operating in more than two states/Union Territory's), Plastic Waste Processors which includes recyclers and other waste processors – waste to energy, waste to oil, co-processors, with respect to non-fulfillment of their Extended Producer Responsibility targets or responsibilities and obligations set out under these guidelines. In case, the State Pollution Control Board or Pollution Control Committee does not take action in reasonable time, the Central Pollution Control Board shall issue directions to the State Pollution Control Board /Pollution Control Committee.

(9.5) Payment of environmental compensation shall not absolve the Producers, Importers & Brand-Owners of the obligations set out in these guidelines. The unfulfilled Extended Producer Responsibility obligations for a particular year will be carried forward to the next year for a period of three years. In case, the shortfall of Extended Producer Responsibility obligation is addressed within three years. The environmental compensation levied shall be returned to the Producers, Importers & Brand-Owners as given below, namely

(i) Within one year of levying of EC: 75% return;

(ii) Within two years 60% return;

(iii) Within three years 40% return,

After completion of three years on environmental compensation getting due the entire environmental compensation amount shall be forfeited. This arrangement shall allow for collection and recycling of plastic packaging waste by Producers, Importers & Brand-Owners in later years as well.

(9.6) The funds collected under environmental compensation shall be kept in a separate Escrow account by Central Pollution Control Board or State Pollution Control Board or Pollution Control Committee. The funds collected shall be utilized in collection, recycling and end of life disposal of uncollected and non-recycled or non- end of life disposal of plastic packaging waste, on which the environmental compensation is levied. Modalities for utilization of the funds for plastic waste management on an annual basis would be recommended by the Committee for Extended Producer Responsibility implementation and approved by the Competent Authority in the Ministry.

10. Role of Producers, Importers & Brand-Owners:

(10.1) The Producers, Importers & Brand-Owners shall have to register through the online centralized portal developed by Central Pollution Control Board. The certificate of registration shall be issued using the portal.

(10.2) Producers, Importers & Brand-Owners shall provide Action Plan containing information on the Extended Producer Responsibility Target, category-wise, where applicable, through the online centralized portal developed by Central Pollution Control Board, along with application for registration or renewal of registration under Plastic Waste Management Rules, 2016. The Action Plan shall cover tenure of the Registration as per the provisions of Plastic Waste Management Rules, 2016. The standard operating procedure for registration and the action plan pro forma shall be developed by Central Pollution Control Board as per these guidelines.

(10.3) Brand Owner covered under clause 4 (iii) shall provide details of plastic packaging purchased from Producers and/or Importers covered under clause 4 (i) and 4 (ii) separately. The quantities attributed to each Producer and Importer covered under clause 4 (i) and 4 (ii) obligated upon Brand Owner shall be deducted from the obligation of Producers and Importers. The record of such purchase including category-wise quantity purchased, shall be maintained separately by Brand Owner.

(10.4) The Producers and Importers covered under clauses 4 (i) and 4 (ii) will maintain the record of the quantity of plastic packaging material made available to Brand Owner covered under clause 4 (iii). The record of such sale including category-wise quantity sold, will be maintained separately by Producers and Importers. In case such records are not maintained, they will have to fulfil the complete Extended Producer Responsibility obligation. The online platform shall cross-check the declaration of transactions among Producers, Importers & Brand-Owners.

(10.5) In order to develop a separate waste stream for collection of plastic packaging waste for directly fulfilling Extended Producer Responsibility obligations, the Producers, Importers & Brand-Owners may operate schemes such as deposit refund system or buy back or any other model. This will prevent mixing of plastic packaging waste with solid waste.

(10.6) The Producers, Importers & Brand-Owners shall file annual returns on the plastic packaging waste collected and processed towards fulfilling obligations under Extended Producer Responsibility with the Central Pollution Control Board or concerned State Pollution Control Board or Pollution Control Committee as per pro forma prescribed by Central Pollution Control Board by the 30th June of the next financial year. Information on the reuse and/or recycled content used for packaging purposes will also be provided. The details of the registered recyclers from whom the recycled plastic has been procured will also be provided.

11. Role of Plastic Waste Processors (Recyclers or Other Waste Processors including industrial composting facilities)

(11.1) All plastic waste processors shall have to register with concerned State Pollution Control Board or Pollution Control Committee in accordance with provision 13(3) of Plastic Waste Management Rules, 2016 on the centralized portal developed by Central Pollution Control Board. Central Pollution Control Board shall lay down uniform procedure for registration within three months of the publication of these guidelines.

(11.2) The Plastic waste processors shall submit annual returns after end of every financial year by 30th April of the next financial year on the quantity of plastic waste processed category-wise as per prescribed pro forma on the centralized portal developed by Central Pollution Control Board.

(11.3) The total quantity of plastic waste processed by plastic waste processors and attributed to Producers, Importers & Brand-Owners, on an annual basis, will be made available on the centralized portal developed by Central Pollution Control Board as also on the website of Plastic waste processors.

(11.4) In case, at any stage it is found that the information provided by the plastic waste processor is false, the plastic waste processor shall be debarred by State Pollution Control Board, as per procedure laid down by Central Pollution Control Board , from operating under the Extended Producer Responsibility framework for a period of one year.

(11.5) Only plastic waste processors registered under Plastic Waste Management Rules, 2016, as amended**,** shall provide certificates for plastic waste processing, except in case of use of plastic waste in road construction. In case where plastic waste is used in road construction the Producers, Importers & Brand-Owners shall provide a self-declaration certificate in pro forma developed by Central Pollution Control Board. The certificate provided by only registered plastic waste processors shall be considered for fulfilment of Extended Producer Responsibility obligations by Producers, Importers & Brand-Owners.

(11.6) The pro forma for the certificate shall be developed by Central Pollution Control Board. In no case, the amount of plastic packaging waste recycled by the enterprise shall be more than installed capacity of the enterprise. The certificates will be for plastic packaging category-wise and shall include GST data of the enterprise.

(11.7) The certificate for plastic packaging waste provided by registered plastic waste processors shall be in the name of registered Producers, Importers & Brand-Owners or Local authorities, as applicable, based upon agreed modalities. Central Pollution Control Board will develop mechanism for issuance of such certificate on the centralized portal.

(11.8) The Plastic Waste Processors undertaking end-of-life disposal of plastic packaging waste viz. waste to energy, waste to oil, cement kilns (co processing) shall provide information on an annual basis as per prescribed pro forma, on the centralized portal developed by Central Pollution Control Board. These entities shall ensure the disposal of plastic packaging waste as per relevant rules, guidelines framed by regulatory bodies in an environmentally sound manner.

12. Role of Central Pollution Control Board

(12.1) The Central Pollution Control Board shall register Producers, Importers & Brand-Owners who are operating in more than two states and plastic waste processors, through online portal. Central Pollution Control Board shall prescribe the standard operating procedure for registration of Producers, Importers & Brand-Owners under Plastic Waste Management Rules, 2016.

(12.2) The Central Pollution Control Board may charge fee for processing of applications for registration and an annual fee for processing of returns, as per procedure prescribed by CPCB. In case, where Producers, Importers & Brand-Owners, are operating in the jurisdiction of a State Pollution Control Board or Pollution Control Committee, the Central Pollution Control Board as per guidelines so decided, will share the application fee with the concerned State Pollution Control Board or Pollution Control Committee.

(12.3) The registration shall be done within two weeks from the submission of a complete application online by the Producers, Importers & Brand-Owners. The tenure of registration shall be as per Plastic Waste Management Rules, 2016.

(12.4) Central Pollution Control Board by itself or through a designated agency shall verify compliance of Producers, Importers & Brand-Owners through inspection and periodic audit, as deemed appropriate. Central Pollution Control

Board, as required, can also verify compliance of Plastic Waste Processors through inspection and periodic audit. In case of plastic waste processors and Producers, Importers & Brand-Owners operating in a State or Union Territory, Central Pollution Control Board may, if required, direct State Pollution Control Board or Pollution Control Committee to take action.

(12.5) Central Pollution Control Board shall publish the list of Producers, Importers & Brand-Owners who have failed to meet Extended Producer Responsibility targets and obligations in the previous financial year, on an annual basis, by 30th September of the next financial year.

(12.6) The Central Pollution Control Board will establish a mechanism to ensure a regular dialogue between relevant stakeholders involved in the fulfilment of extended producer responsibility obligations for plastics under the Plastic Waste Management Rule, 2016.

(12.7) The Central Pollution Control Board shall carry out a compositional survey of collected mixed municipal waste to determine the share of plastic waste as well as different categories of plastics packaging material on a half-yearly basis.

(12.8) The Central Pollution Control Board shall carry out review of technologies related to plastic packaging and plastic waste management for techno-economic viability and feasibility specifically with respect to clause 7.6.

13. Role of State Pollution Control Board or Pollution Control Committee:

(13.1) The concerned State Pollution Control Board or Pollution Control Committee shall register Producers, Importers & Brand-Owners (operating in one or two states) and plastic waste processors, through the online portal developed by Central Pollution Control Board. Provision for registration shall be made on the Extended Producer Responsibility portal. State Pollution Control Board or Pollution Control Committee by itself or through a designated agency shall verify compliance of Producers, Importers & Brand-Owners through inspection and periodic audit, as deemed appropriate, of Producers, Importers & Brand-Owners as well as plastic waste processors in their jurisdiction as per the Plastic Waste Management Rule, 2016.

(13.2) The State Pollution Control Board or Pollution Control Committee shall bring out a list of entities (Exception Report) who have not fulfilled their Extended Producer Responsibility responsibilities on annual basis and publish the same on their website. The State Pollution Control Board or Pollution Control Committee shall submit the Annual Reports submitted by Producers, Importers & Brand-Owners and plastic waste processors in their jurisdiction to Central Pollution Control Board and upload the same on the online Extended Producer Responsibility portal.

(13.3) State Pollution Control Board or Pollution Control Committee will establish a mechanism to ensure a regular dialogue between relevant stakeholders involved in the fulfilment of extended producer responsibility obligations under the Plastic Waste Management Rule, 2016.

(13.4) State Pollution Control Board or Pollution Control Committee shall carry out a compositional survey of collected mixed municipal waste to determine the share of plastic waste as well as different categories of plastics packaging material on a half-yearly basis.

14. Plastic Packaging Waste Collection System by Producers, Importers & Brand-Owners

(14.1) Producers, Importers & Brand-Owners while fulfilling their Extended Producer Responsibility obligations may develop collection and segregation infrastructure of plastic packaging waste, as required, based on the category of plastics. It may include the following based on implementation modality of Extended Producer Responsibility adopted by Producers, Importers & Brand-Owners: -(a) establish waste plastic collection points and Material Recovery Facilities (MRFs);

(b) ensure the collection of the plastic packaging waste from the collection points, with a frequency that is proportionate to the area covered and the volume;

(c) offer the collection of plastic, from the entities like urban local bodies, gram panchayats, other public authorities or third parties carrying out waste management, and provide for the collection from all entities that have made use of that offer; provide for the necessary practical arrangements for collection and transport;

(d) ensure that the plastic packaging waste collected from the collection points are subsequently subject to recycling in a registered facility by a recycler or its permitted end use in the designated manner.

(14.2) Producers, Importers & Brand-Owners may ensure the network of collection points taking into account population size, expected volume of plastic or packaging waste, accessibility and vicinity to end-users, not being limited to areas where the collection and subsequent management is profitable.

(14.3) The entities involved in waste collection will hand over the waste for treatment and recycling or for identified end uses.

(14.4) Participation of voluntary collection points - voluntary collection points will hand over plastic packaging waste to the Producers, Importers & Brand-Owners or third party agencies acting on their behalf with a view to their treatment and recycling or their identified end use.

15. Fulfilment of Extended Producer Responsibility Obligations

The Producers, Importers & Brand-Owners shall have to provide the details of recycling certificate only from registered recyclers along with the details of quantity sent for end of life disposal, by 30th June of next financial year while filing annual returns on the online portal. The details provided by Producers, Importers & Brand-Owners and registered plastic waste processors will be cross-checked by the online portal. In case of difference, the lower figure would be considered towards fulfilment of Extended Producer Responsibility obligation of Producers, Importers & Brand-Owners. The certificates shall be subject to verification by Central Pollution Control Board or State Pollution Control Board or Pollution Control Committee, as the case may be.

16. Centralized Online Portal

(16.1) Central Pollution Control Board shall establish an online system for the registration as well as for filing of annual returns by Producers, Importers & Brand-Owners, plastic waste processors of plastic packaging waste by 31st March 2022:-

(16.2) The online system developed by Central Pollution Control Board for the registration as well as for filing of returns by Producers, Importers & Brand-Owners shall reflect the plastic packaging material introduced in the market Producers, Importers & Brand-Owners in a financial year. It shall also reflect the details regarding the audit of the Producers, Importers & Brand-Owners as well as recyclers or other waste processors of plastic packaging waste.

(16.3) The State Pollution Control Board or Pollution Control Committee shall also use the centralized portal developed by Central Pollution Control Board for registration of Producers, Importers & Brand-Owners as well as recyclers/waste processors. The centralized portal would act as the single point data repository with respect to orders and guidelines related to implementation of Extended Producer Responsibility for plastic packaging under Plastic Waste Management Rule, 2016 Producers, Importers & Brand-Owners may, if they so desire, facilitate the development of online web portal or platform.

(16.3) Till the online web portal is developed all activities related to implementation of Extended Producer Responsibility under the Plastic Waste Management Rules, 2016 will be done in an offline manner.

17. Monitoring

State Pollution Control Board or Pollution Control Committee shall submit annual report on Extended Producer Responsibility portal with respect to fulfilment of Extended Producer Responsibility by Producers, Importers & Brand-Owners (which include manufacturers of plastic packaging material) and plastic waste processors in the State/Union Territory to Central Pollution Control Board. The report shall also be submitted to the State Level Monitoring Committee constituted under the Plastic Waste Management Rules, 2016. State Pollution Control Board or Pollution Control Committee shall also submit annual report with respect to recyclers or end of life disposal in the State or Union Territory to Central Pollution Control Board by 31st July of the next year.

18. Committee for Extended Producer Responsibility under PWM Rules

(18.1) A committee shall be constituted by the Central Pollution Control Board under chairpersonship of Chairman, Central Pollution Control Board to recommend measures to Ministry of Environment, Forest and Climate Change for effective implementation of Extended Producer Responsibility including amendments to Extended Producer Responsibility guidelines. The committee shall monitor the implementations of Extended Producer Responsibility and also take such measures as required for removal of difficulties. The Committee shall also be tasked with the guiding and supervision of the online portal including approval of requisite forms or pro forma.

(18.2) The committee shall comprise of representative from concerned line Ministries/Departments such as Ministry of Housing and Urban Affairs, Ministry of Micro, Small and Medium Enterprises, Department of Drinking Water and Sanitation, Department of Chemical and Petrochemicals; Bureau of Indian Standards, three State Pollution Control Board or Pollution Control Committee, Central Institute of Plastic Engineering and Technology (CIPET), National Environmental Engineering Research Institute (NEERI), and three industry associations, and any other invitee as decided by the chairperson of the committee.

ANNEXURE

Examples for Clause 7

Extended Producer Responsibility Target and Minimum level of recycling of plastic packaging waste

[Refer Clause 7.2 (a), (b) & (c), Clause 7.3 (a), (b) & (c), and Clause 7.4 (a), (b) & (c)]

Example 1:

Year 2022-23	
Plastic packaging introduced in the market category-wise (Category II Flexible plastic packaging*)*	*100 MT*
Extended Producer Responsibility Target @ 70 %	*70 MT*
Minimum level of recycling of plastic packaging waste collected under Extended Producer Responsibility - no threshold has been prescribed	*Quantity of plastic packaging waste collected under Extended Producer Responsibility and recycled as per actuals* *Quantity of plastic packaging waste collected under Extended Producer Responsibility and used for energy recovery, co-processing, road construction, waste to oil etc. as per actuals*

Example 2:

Year 2024-25	
Plastic packaging introduced in the market category-wise (Category II Flexible plastic packaging*)*	*100 MT*
Extended Producer Responsibility Target @ 100 %	*100 MT*
Minimum level of recycling of plastic packaging waste collected under Extended Producer Responsibility @ 30%	*Minimum 30 MT of plastic packaging waste collected under Extended Producer Responsibility needs to be recycled.* *Remaining plastic packaging waste collected(Maximum 70 MT) may be used for energy recovery, co-processing, road construction, waste to oil etc.*

Example 3:

Year 2028-29	
Plastic packaging introduced in the market category-wise (Category II Flexible plastic packaging*)*	*100 MT*
Extended Producer Responsibility Target @ 100 %	*100 MT*
Minimum level of recycling of plastic packaging waste collected under Extended Producer Responsibility @ 60 %	*Minimum 60 MT of plastic packaging waste collected under Extended Producer Responsibility needs to be recycled.* *Remaining plastic packaging waste collected(Maximum 40 MT) may be used for energy recovery, co-processing, road construction, waste to oil etc.*

Reuse

[Refer Clause 7.4 (b)]

Example 4:

Year 2025 – 26 (Minimum obligation for reuse comes into effect)	
Plastic packaging introduced in the market category-wise (Category I Rigid Plastic Packaging)	*100 MT*
Reuse of Category I rigid plastic packaging with volume or weight equal or more than 0.9 litres or	*15 MT*

kilogrammes bUnion Territory less than 4.9 litres or kilogrammes	*(Reuse @ 15 %; minimum obligation for reuse 10 %)*
Fresh plastic packaging introduced (A)	*85 MT*
Extended Producer Responsibility target for compliance @ 100% of (A)	*85 MT*
Minimum level of recycling of Category I plastic packaging waste collected under Extended Producer Responsibility @ 60%	*Minimum 51 MT of plastic packaging waste collected under Extended Producer Responsibility needs to be recycled.* *A maximum of 34 MT plastic packaging waste collected may be used for energy recovery, co-processing, road construction, waste to oil etc.*

Example 5:

For Year 2022 - 23	
Plastic packaging introduced in the market category-wise (Category I Rigid Plastic Packaging)	*100 MT*
Reuse of Category I rigid plastic packaging with volume or weight equal or more than 0.9 litres or kilogrammes bUnion Territory less than 4.9 litres or kilogrammes	*10 MT*
Fresh plastic packaging introduced (A)	*90 MT*
Extended Producer Responsibility Target @ 35 % of (A)	*31.5 MT*

Use of recycled plastic content

[Refer Clause 7.2 (d), 7.3 (d)]

Example 6:

Year 2025-26	
Plastic packaging introduced in the market category-wise (Category II Flexible plastic packaging*)*	*100 MT*
Extended Producer Responsibility Target as per clause 5.1 @ 100 %	*100 MT*
Minimum content of recycled plastic in packaging @ 10%	*10 MT of plastic content in the packaging should be recycled plastic* *90 MT of virgin plastic content in packaging*

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[F. No. 17/2/2001 – Part I - HSMD]

NARESH PAL GANGWAR, Addl. Secy.

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II Section 3, Sub-Section (i) vide number G.S.R 320 (E) dated the 18th March, 2016 and subsequently amended *vide notification numbers G.S.R 285 (E) dated the 27th March, 2018, G.S.R. 571 (E) dated the 12th August, 2021 and G.S.R. 647 (E) dated the 17th September, 2021.*

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ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

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ಮುದ್ರಕರು ಹಾಗೂ ಪ್ರಕಾಶಕರು:– ಸಂಕಲನಾಧಿಕಾರಿಗಳು, ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ, ಸರ್ಕಾರಿ ಕೇಂದ್ರ ಮುದ್ರಣಾಲಯ, ಬೆಂಗಳೂರು–೫೯.